



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खण्ड 23]

शिमला, शनिवार, 22 फरवरी, 1975/3 फाल्गुन, 1896

[संख्या 8

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22 फरवरी, 1975/3 फाल्गुन, 1896 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'प्रसाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं:—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. 1-10/75-V.S., dated the 12th Febr. 1975.	Vidhan Sabha Secretariat	The Himachal Pradesh Panchayati Raj (Amendment) Bill, 1975 (Bill No. 1 of 1975) as introduced in the Assembly on the 12th February, 1975.
No. 1-11/75-V.S., dated the 12th February, 1975.	-do-	The Himachal Pradesh Panchayati Raj (Second) Validation Bill, 1975 (Bill No. 2 of 1975) as introduced in the Assembly on the 12th February, 1975.
No. 1-8/75-V.S., dated the 12th February, 1975.	-do-	The Himachal Pradesh Urban Rent Control (Amendment) Bill, 1975 (Bill No. 3 of 1975) as introduced in the Assembly on the 12th February, 1975.
No. 1-9/75-V.S., dated the 12th February, 1975.	-do-	The Himachal Pradesh Municipal (Amendment) Bill, 1975 (Bill No. 4 of 1975) as introduced in the Assembly on the 12th February, 1975.
नं० एच०एम०आर० 7/74-पंच, तिथि 12 फरवरी, 1975.	कार्यालय जिलाधीश, हमीरपुर	ग्राम पंचायत अन्नु, बजुरी, बस्सी, झनियारा, मत्ती-डीरा के निर्वाचित प्रधान/उपप्रधान के नामों की अधिसूचना।
No. Hom. (A)-A (3)-5/75, dated the 15th February, 1975.	• Home Department	The Himachal Pradesh Detenus (Conditions of Detention) Order, 1972.
No. 1-9/73-P.W.D., dated the 15th February, 1975.	Public Works Department	Obituary notification regarding death of Shri R. B. Singh, Executive Engineer.
No. 1-19/75-V.S., dated the 18th February, 1975.	Vidhan Sabha Secretariat	The Himachal Pradesh Official Language Bill, 1975 (Bill No. 7 of 1975) as introduced in the Assembly on the 18th February, 1975.
No. 1-18/75-V.S., dated the 18th February, 1975.	-do-	The Himachal Pradesh Legislative Assembly (Allowances of Members (Amendment) Bill, 1975 (Bill No. 8 of 1975) as introduced in the Assembly on the 18th February, 1975.
No. 1-20/75-V.S., dated the 19th February, 1975.	-do-	The Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's Salaries (Amendment) Bill, 1975 (Bill No. 9 of 1975) as introduced in the Assembly on the 19th February, 1975.
No. LLR-D (6) 3/75, dated the 21st February, 1975.	Law Department	The Himachal Pradesh Official Language Act, 1975 (Act No. 1 of 1975).

भाग 1—वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा

अधिसूचनाएं इत्यादि

हिमाचल प्रदेश सरकार

PERSONNEL DEPARTMENT
NOTIFICATIONS

Simla-2, the 6th February, 1975

No. 10-3/73-DP-Appnt. (I).—In exercise of the powers conferred by sub-section (1) of section 20 of the Code of Criminal Procedure, 1973, the Governor, Himachal Pradesh is pleased to appoint the following officers to be the Executive Magistrates with all the powers of an Executive Magistrate, under the said Code, to be exercised within the local limits of their respective jurisdictions, with immediate effect:—

1. Shri P. R. Sharma, Tehsildar, Renuka.
2. Shri Perma Nand, Naib-Tehsildar, Rajgarh.

Simla-2, the 11th February, 1975

No. 10-2/72-DP-Appnt. (I).—In exercise of the powers conferred by sub-section (1) of section 20 of the Code of Criminal Procedure, 1973, the Governor, Himachal Pradesh is pleased to appoint Shri P. C. Dogra, General Assistant-II to the Deputy Commissioner, Kangra, to be the Executive Magistrate, with all the powers of an Executive Magistrate, under the said Code, to be exercised, within the local limits of Kangra Sub-Division of Kangra district, with immediate effect.

2. In exercise of the powers conferred by sub-section 4 of section 20 of the Code of Criminal Procedure, 1973, the Governor is further pleased to place Shri P. C. Dogra in charge of the Sub-Division, Kangra, District Kangra, to be called Sub-Divisional Magistrate, Kangra, District Kangra.

AJAY PRASAD,
Joint Secretary.

Simla-2, the 11th February, 1975

No. 5-1/71-DP-Appnt.—The Governor, Himachal Pradesh, is pleased to place the services of Shri R. K. Anand, I.A.S. (H. P.), Secretary to Governor, Himachal Pradesh, at the disposal of the Government of India for appointment as Special Assistant to the Minister for Works, Housing and Parliamentary Affairs, New Delhi, with immediate effect.

2. The Governor is further pleased to transfer and post Shri S. S. Sidhu, I.A.S., Deputy Commissioner, Sirmur district, Nahan as Secretary to Governor, Himachal Pradesh, Simla with immediate effect, vice Shri R. K. Anand.

U. N. SHARMA,
Chief Secretary.EDUCATION DEPARTMENT
NOTIFICATION

Simla-2, the 6th February, 1975

No. 1-39/69-Sectt. Edu. I.—The Governor, Himachal Pradesh, is pleased to grant 94 days' earned leave (L.P.R.) to Shrimati Kartar Kaur (Substantive-holder of Class II post in School & Inspection Cadre) and *ad hoc* appointee to the post of Deputy Director of Education,

Himachal Pradesh, with effect from the 27th January, 1975 (P.N.) with permission to prefix gazetted holiday/ Sunday falling on the 25th and 26th January, 1975, respectively.

2. Certified that Shrimati Kartar Kaur would have continued to officiate as Deputy Director of Education (*ad hoc*) but for her proceeding on leave (L.P.R.) w.e.f. 27-1-75 till the post is filled up on regular basis.

3. In pursuance of her having served the Government with a notice for pre-mature retirement after attaining the age of 55 years on the 10th January, 1975, the Governor, Himachal Pradesh, is further pleased to retire Shrimati Kartar Kaur from Education Department, Himachal Pradesh Government with effect from the 30th April, 1975 (A.N.) and the notice period and the leave so granted, will run concurrently.

By order,
R. C. GUPTA,
Secretary.FINANCE (REGULATION) DEPARTMENT
NOTIFICATION

Simla-171002, the 7th February, 1975

No. 1-2/73-Fin. (Reg.).—The Governor, Himachal Pradesh is pleased to declare the Secretary to the Government of Himachal Pradesh Housing Department as Head of Department and all the Deputy Commissioners Sub-Divisional Officers (Civil) and all Block Development Officers in Himachal Pradesh as Disbursing Officers under Head '283-Housing-A-General-(a) (ii) Subsidy for the Development of House-sites for landless workers in Rural Area'.

VITA (VINIYAM) VIBHAG
RESOLUTION

Simla-171002, the 12th February, 1975

No. 14-1/71-Fin (Reg).—In partial modification of this Department Resolution No. 11-29/71-Fin. (Reg)-Vol. II, dated the 9th July, 1974, it has been decided to increase the rate of interest on the balances in respect of Provident Funds with effect from 1-8-1974. The accumulations at the credit of the subscribers to the Provident Funds in Himachal Pradesh upto Rs. 25,000 (inclusive of deposits and withdrawals during the year 1974-75) will carry interest at the rate of 7.50% per annum and the interest rate of 7.00% per annum will apply to sums in excess of Rs. 25,000. These orders will be in force with effect from the 1st August, 1974 during the financial year beginning on 1-4-1974.

2. Ordered that the Resolution be published in the Himachal Pradesh Rajpatra.

N. C. KAUSHAL,
Deputy Secretary.HEALTH AND FAMILY PLANNING DEPARTMENT
NOTIFICATION

Simla-2, the 11th February, 1975

No. 1-68/73-H&FP.—Consequent upon her marriage, Dr. Mrs. Urmila Kishan Singh, Lady Doctor, District Hospital, Bilaspur, has changed her name as Dr. Mrs. Urmila Jamwal.

R. C. GUPTA,
Secretary.

INDUSTRIES DEPARTMENT NOTIFICATIONS

Simla-2, the 10th February, 1975

No. 4-19/71-SI(MIDC).—In exercise of the powers vested in him under Article 82 of the Articles of Association of the Himachal Pradesh Mineral and Industrial Development Corporation Ltd., the Governor of Himachal Pradesh is pleased to reappoint Sarvshri P. K. Mattoo and J. G. Rajadhyaksha, Secretary (Industries) to the Government of Himachal Pradesh and Deputy Secretary to the Government of India, Ministry of Industry and Civil Supplies, New Delhi, respectively, as Directors on the Board of Directors of the aforesaid Corporation with immediate effect.

Simla-171002, the 12th February, 1975

No. 9-21/73-SI.—Whereas it appears to the Governor, of Himachal Pradesh that the land is required to be taken by the Government at public expense for the public purpose, namely for the establishment of an Industrial Area at Nagrota Bagwan, District Kangra, Himachal Pradesh, it is hereby declared that the land described in the specification below is required for the above purpose.

2. This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Land Acquisition Collector, Sub-Divisional Officer (Civil) Kangra district, Kangra, Himachal Pradesh, is hereby directed to take orders for the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Land Acquisition Collector, Sub-Divisional Officer (Civil), Kangra, District Kangra, Himachal Pradesh.

SPECIFICATION

District: KANGRA Tehsil: KANGRA

Village	Khasra No.	Kanal	Area Marlas
SATREHAR/	18	21	4
NAGROTA	11	0	7
BAGWAN	12	33	9
	19	22	16
Total ..		77	16

By order,
P. K. MATTOO,
Secretary.

LABOUR DEPARTMENT NOTIFICATION

Simla-171002, the 12th February, 1975

No. 10-13/74-SI.—In exercise of the powers conferred by sub-section (4) of section 1 of the Himachal Pradesh Shops and Commercial Establishments Act, 1969 (Act No. 10 of 1970) the Governor of Himachal Pradesh is pleased to direct that the provisions of the aforesaid Act shall also apply to all Shops and Commercial Establishments covered by the Act in the areas within limits of village

Jaisingh Pur in Kangra district with effect from the date of publication of this notification in the Official Gazette.

By order,
P. K. MATTOO,
Secretary.

MULTIPURPOSE PROJECTS & POWER DEPARTMENT NOTIFICATION

Simla-171002, the 31st January, 1975

No. MPP-F(6)-25/74.—Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh State Electricity Board at the Public expense for a public purpose, namely for the "Construction of 132 K. V. Transmission line from Bassi to Hamirpur in Monal mentioned below, Tehsil Joginder Nagar and District Mandi, it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provision of section 4 of this Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officer for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Land Acquisition Collector, Mandi.

SPECIFICATION

District: MANDI Tehsil: JOGINDERNAGAR

Sl. No.	Name of Monal	Khasra No.	Area Big. Bis. Bisw.
1	2	3	4 5 6
1. CHIRCHAKA	100/1		0 0 8
	102/1		0 4 19
	103/1		0 0 8
	117/1		0 0 3
	118/1		0 0 3
Total ..			0 6 6
2. KHUDAR	915/2		0 0 18
	916/1		0 0 18
	1024/1		0 1 16
Total ..			0 3 12
3. KUFRU-MORE CHAKA	960/1		0 1 8
	963/1		0 3 2
	989/1		0 0 9
	990/1		0 0 9
Total ..			0 5 8

1	2	3	4	5	6
4. CHIMANU	912/1	0	0	18	
	914/1	0	0	16	
	953/1	0	0	15	
	958/1	0	0	2	
	959/1	0	1	19	
	960/1	0	0	1	
Total ..		0	4	11	
5. BADIMAKARHRI	1990/1	0	4	10	
Total ..		0	4	10	
6. CHANGRAHAR	1522/1	0	0	18	
	1532/1	0	0	3	
	1533/1	0	1	12	
Total ..		0	2	13	
7 GEYUNI	1380/1	0	0	16	
	1381/1	0	4	6	
	1382/1	0	0	16	
	1383/1	0	0	7	
	1385/1	0	0	1	
Total ..		0	6	6	
8. ALMARA	8/1	0	1	16	
Total ..		0	1	16	
9. KAMEHAR	1588/1	0	1	16	
Total ..		0	1	16	
10. CHALARG	802/1	0	0	18	
	800/1	0	0	12	
	796/1	0	0	6	
	794/1	0	0	4	
	1715/1	0	4	4	
	1716/1	0	0	12	
	2821/1	0	0	7	
	2822/1	0	1	0	
	2823/1	0	0	9	
Total ..		0	5	12	
11. KUNSAL	454/340/1	0	1	16	
	422/1	0	1	16	
Total ..		0	3	12	
12. BHADYARA UPRALA.	1309/1	0	0	16	
	1320/1	0	2	13	
	1321/1	0	0	4	
	1322/1	0	0	17	
Total ..		0	2	10	

PUBLIC WORKS DEPARTMENT

CORRIGENDA

Simla-171002, the 22nd January, 1975

No. 9-9/73-PW-B-2.—Notification of even number, dated 25-2-74 is hereby amended as follows:—

In notification for village Tikkar in line 4 for the word "Tehra" read "Tihra".

Simla-2, the 3rd February, 1975

No. 9-9/73-PWB.—(1) At page 1 in line 3 of Notification of even number for figure "73" occurring after "19/9" the figure "74" should be substituted.

(2) At page 2 for the figure "73" occurring after "19/9" the figure "74" should be substituted.

NOTIFICATIONS

Simla-171002, the 3rd February, 1975

No. 9-12/73-PWB.—Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely for Establishment of Urban Estate, Simla is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector of Land Acquisition, U. S. Club, Simla-171001.

SPECIFICATION

District: SIMLA

Tehsil: SIMLA

Village 1	Khasra No. 2	Area	
		Big. 3	Bis. 4
PATEOG/107	11	0	15
	13 min	2	9
	15 min	2	19
	275	0	8
	13 min	3	10
	15 min	3	0
	22	2	1
	42	1	16
	43	1	0
	44	3	6
	45	0	6
	13 min	2	10
	25	1	11
	60	0	3
	61	4	3
	17/1	0	4

By order,
R. C. GUPTA,
Secretary.

2	3	4	1	2	3	4
52	8	11		205	3	4
54	2	3		549/410	15	8
15 min	2	10		555/410	17	11
21	2	10		227	6	8
26	1	12		322	2	19
86	0	11		191	0	15
93	1	12		204	0	6
168	3	6		228	1	12
72	3	8		323	3	16
73	0	18		79	5	0
74	1	18		89	1	9
75	0	18		94	0	6
75/1	1	17		80	0	12
76	2	11		81	0	11
87	0	13		169/1	0	9
219	7	7		272	1	10
217	1	11		277	0	11
220	11	4		183	0	9
330	3	18		185	0	11
379	15	16		12	0	3
35	0	4		335	2	13
294/1	0	6		337	0	6
327	50	1		339	0	3
333	0	9		340	0	4
14	0	1		341	0	17
18	0	11		56	7	19
16	2	10		66	4	12
97	2	12		69	0	12
198	0	18		77	3	11
20	3	10		71	0	14
27	1	7		83	1	12
23	0	15		84/1	0	13
29	1	4		84	0	11
40	1	17		85	0	4
65	0	12		90	1	6
67	0	8		91	0	10
68	0	16		92	2	0
70	1	1		169	2	1
180	0	6		171	0	12
182	3	8		172	1	14
226	4	16		188	0	18
285	0	8		369	0	15
291	1	5		381	0	9
298	1	7		385	0	4
301	0	9		386	0	7
326	1	7		170	1	0
334	4	8		207	3	12
384	17	14		208	6	4
64/1	0	6		213	1	1
370	10	5		223	1	4
380	0	7		408/214	0	5
382	0	10		409/214	2	12
300	1	16		215	4	4
28	0	14		288	3	18
31	0	13		287	0	15
543/192	9	10		289	0	9
545/193	0	14		211	3	17
194	1	8		212	1	8
224/1	5	17		278	0	6
542/192	0	17		280	0	12
544/193	0	5		55	1	15
552/410	46	13		58	1	5
551/410	17	0		59	7	7
356	5	2		64	1	16
546/195	1	15		19	0	17
548/195	7	4		10	0	14
547/195	5	12		57	1	2
196	5	13		87/1	0	6
197	0	14		173	3	8

1	2	3	4	1	2	3	4
	221	0	10		190	1	8
	247	0	10		231	0	1
	253	2	14		233	0	6
	297	0	11		238	1	1
	308	0	3		239	0	5
	309	0	11		241	1	3
	312	0	15		17	2	4
	314	0	14		50	0	19
	315	0	14		95	0	17
	316	1	9		178	0	13
	318	0	3		206	1	12
	355	3	8		216	1	6
	387	3	3		222	1	2
	388	0	5		236	0	4
	389	0	12		329	1	13
	377	0	9		343	0	11
	229	0	16		350	0	6
	230	1	18		384/1	0	5
	232	0	3		404	0	5
	237	0	9		328	6	0
	359	1	8		74/1	0	7
	310	0	19		218	0	6
	235	0	13		88	0	7
	299	0	17		78	0	8
	311	2	3		82	0	8
	313	0	2		209	0	4
	324	0	13		210	0	2
	32	0	8		336	0	8
	33	0	10		342	0	2
	38	0	16		347	0	16
	46	1	12		302	0	1
	47	0	14		258	0	1
	48	0	19		259	0	6
	234	0	3		305	0	18
	240	0	4		306	0	6
	243	0	7		307	3	15
	244	0	19		325	1	3
	245	3	10		332	2	19
	246	1	5		358	2	17
	248	0	11		392	1	3
	249	0	13		34	0	12
	250	0	2		24	0	9
	251	0	7		252	0	14
	290	3	9		378	0	6
	296	0	12		292	1	5
	297/1	1	3		294	0	13
	60/1	0	5		346	0	8
	284	0	11		351	0	10
	63	1	13		352	1	14
	286	1	12		360	1	7
	304	0	19		376	0	4
	53	1	15		375	0	13
	391	1	3		357	11	4
	397	0	8		361	0	5
	398	2	2		362	4	16
	399	2	17		364	0	14
	400	0	18		367	0	6
	403	0	9		368	1	3
	405	0	5		372	0	6
	406	1	13		393	3	2
	407	1	13		394	0	14
	187	0	4		396	3	8
	189	0	11		363	1	7
	242	0	8		365	0	11
	319	1	4		366	0	13
	174	2	1		373	0	10
	175	2	1		374	0	5
	176	0	5		383	1	13
	184	0	7		395	0	10

1	2	3	4
	374/1	0	3
	371	0	4
	270	0	4
	401	1	14
	402	0	9
	62	1	0
	30	0	3
	177	3	0
	181	0	5
	225	15	2
	182	2	8
	279	0	7
	186	5	16
	281	0	3
	293	0	5
	282	2	4
	321	0	11
	331	5	11
	353	15	16
	354	12	18
	390	12	3
	295	0	4
	9	0	3
	41	0	8
	51	0	8
	49	1	6
	259/1	0	1
	260	0	1
	261	0	3
	257	0	10
	348	0	7
	264/1	0	1
	338	0	2
	349	0	4
	254	0	4
	256	0	5
	263	0	3
	255	0	4
	262	0	5
	264	0	1
	268	0	6
	303	0	7
	283	0	4
	345	0	4
	273	0	3
	274	0	7
	276	2	0
	276/1	0	15
	266	0	2
	267	0	3
	271	0	1
	269	0	4
	344	0	3
	43/1	0	19
	179	0	1
	265	0	11
	36	0	3
	37	0	5
	320	0	0
Total		718	1

Simla-171002, the 3rd February, 1975

No. 2-32/70-PW-B.—Whereas it appears to the Governor, Himachal Pradesh that the land is acquired to be taken by the Government at public expense for a public purpose, namely for construction of National Highway No. 21 Section Hanogi to Aut,

it is hereby declared that the land described in the specification below is required for the above purpose.

2. The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh P.W.D. is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected at the Office of the Collector, Land Acquisition, Himachal Pradesh, P. W. D.

SPECIFICATION

District: MANDI

Tehsil: SADAR

Village 1	Khasra No. 2	Area		
		Big. 3	Bis. 4	Bisw. 5
THALOT	310/1	0	0	14
	312/1	0	2	18
	315/1	0	0	4
	309/1	0	0	10
	347/1	0	3	10
	348	0	2	18
	239/1	0	3	6
	243/1	0	3	3
	349	0	3	12
	157	0	2	18
	311	0	3	0
	313	0	0	10
	314/1	0	0	10
	336/1	0	1	18
	339/1	0	1	15
	204/1	0	2	14
	203	0	1	5
	165/1	0	3	12
	236/1	0	1	7
	237/1	0	4	16
	238/1	0	0	16
	382/1	0	1	2
	383/1	0	0	13
	158/1	0	3	15
	160/1	0	0	8
	338/1	0	3	6
	163/1	0	2	12
	164/1	0	2	18
	67/1	0	4	0
	159/1	0	11	6
	332/1	0	5	16
	66/1	0	10	10
	263/1	0	4	10
	264	0	0	9
	234/1	0	5	10
	235	0	2	2
	206/1	0	3	17
	207/1	0	0	18
	207/2	0	3	0
	208/1	0	2	10
	208/2	0	0	12
	209/1	0	3	5
	201/1	0	0	16
	202/1	0	0	8
	350/1	0	2	5
	166/1	0	3	6
	244	0	0	12

1	2	3	4	5
	245	0	1	18
	246/1	0	1	1
	247	0	0	10
	248/1	0	0	10
	249/1	0	0	0
	250/1	0	0	5
	251/1	0	0	5
	252/1	0	0	16
	333	0	0	8
	334	0	0	14
	335/1	0	1	10
	391/390/374	0	0	12
	262/1	0	6	9
	272/1	0	4	4
	283/1	0	1	8
	376/1	0	11	8
	278/1	0	2	15
	300/1	0	0	1
	372	0	1	0
	392/390/374/1	0	1	8
	62/1	0	5	5
	153	0	1	5
	273/1	0	6	18
	279/1	0	2	0
	287/1	0	0	18
	331/1	0	4	14
	61/1	0	3	3
	64	0	3	8
	269/1	0	9	2
	284/1	0	0	12
	362/1	0	0	9
	364/1	0	0	14
	375/1	0	0	12
	375/2	0	0	12
	396/371/1	0	0	16
	396/371/2	0	0	12
	389/374	0	0	10
	150/2	0	0	15
	151	0	0	15
	260/1	0	2	12
	261	0	1	4
	303/1	0	0	2
	363/1	0	1	2
	398/365	0	5	2
	154	0	1	5
	150/1	0	1	0
	152	0	1	4
	397/365	0	1	8
	393/366/1	0	0	12
	395/371/1	0	0	9
	63/1	0	1	15
	65	0	4	16
	293/1	0	1	10
Total		11	16	2

Simla-171002, the 3rd February, 1975

No. 9-17-73-PWD. Whereas it appears to the Governor of Himachal Pradesh that land is likely to be required to be taken by the Government at public expense for a public purpose, namely for the construction of Lift Irrigation Scheme Suliāli (Hydrams) in Tehsil Nurpur, it is hereby notified that the land in the locality described below is likely to be required for the above purpose.

This notification is made under provision of section IV of Land Acquisition Act, 1894, to all whom it may concern.

In exercise of powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection for the acquisition of any land in the locality may, within 30 days of the publication of this notification, file an objection in writing before the Land Acquisition Collector, H. P. P.W.D., Kangra.

SPECIFICATION

District: KANGRA

Tehsil: NURPUR

Revenue Tika	Village or estate village	Khasra No.	Area	
1	2	3	K.	M.
HAR	KHUKHAR	46/1	0	5
	KHAVARA	62/1	0	3
		65/2	0	4
		66/2	0	3
		68/2	0	6
		72/1	0	3
		73/2	0	3
		78/2	0	7
		88/2	0	4
		90/1	0	4
		117/2	0	3
		135/2	0	4
		138/1	0	4
		141/1	0	4
		142/2	0	5
		143/1	0	5
		192/1	0	3
		194/2	0	3
		196/2	0	4
		199/2	0	3
		200/2	0	13
		204	0	6
		205/2	0	7
		207/2	0	2
		208/2	0	3
		225/2	0	4
		207/1	0	7
		228/1	0	3
		230/2	0	2
		231/2	0	4
		233/2	0	1
		234/2	0	6
		236/2	0	6
		297/2	0	8
		303/2	0	10
		306/2	0	5
		307/2	0	3
		308/2	0	6
		309/2	0	4
		312/2	0	3
		313/3	0	4
		314/2	0	2
		319/1	0	1
		328/2	0	6
		330/2	0	5

1	2	3	4
GATLA KHUKHAR	1/2	0	7
KHAVARA	4/1	0	17
	6/1	0	10
	7/1	1	12
	9/2	0	1
	132/1	2	1
	136/1	4	3
	137/1	2	17
	138/1	0	1
	224/2	0	16
	225/2	0	8
	613/1	0	10
Total	..	38	10

Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose*, it is hereby declared that the land described in the specification below is required for the said* purpose.

2. The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh P.W.D., is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Collector Land Acquisition, Himachal Pradesh P.W.D., Mandi and Kulu districts.

No. 2-32/70-PW-B Simla-171002, the 3rd February, 1975

*Construction of National High Way NO. 21 Mohal
Sojha Section Hanogi to Kulu
SPECIFICATION

District: MANDI		Tehsil: SADAR		
Village	Khasra No.	Area	Remarks	
1	2	Big. Bis.	Biswansi	5
SOJHA	958/1	0	0	6
	995/1	0	3	14
Total	2	0	4	0

No. 9-14/73-PW-B. Simla-171002, the 6th February, 1975

*Construction of Bhuntar to Manikaran Road Phati Shat
District: KULU Tehsil: KULU

PHATI SHAT	1401/1	0	4	0
	1406/1	0	2	0
	1408/1	0	4	0
	1364/1	0	3	0
	1353	0	1	0
	1354/1	0	0	0
	1358/1	0	1	0
	1358/2	0	0	0
	1410/1	0	13	0
	1345/1	0	1	0
	1400/1	0	6	0
	1417/1	0	6	14
	1672	0	1	0
	1346/1	0	1	0
	1346/2	0	1	0

1	2	3	4	5
	1419/1	0	1	0
	1420/1	0	1	0
	1420/2	0	1	0
	1365/1	0	1	0
	1418/1	0	2	0
	1355	0	3	0
	1144/1	0	1	0
	1405/1/1	0	1	0
	1405/1/2	0	1	0
	1405/1/3	0	5	0
	1365/1	0	2	0
	1421/1/1	0	0	0
	1345/2	0	3	0
	1420/1/1	0	0	0
	1345/1/1	0	2	0
	1347/1	0	5	0
Total Kitta	31	3	7	14

By order,
GANGESH MISRA,
Secretary.

Whereas it appears to the Governor of Himachal Pradesh that land is likely to be acquired to be taken by government at public expenses for a public purpose*, It is hereby notified that the land in the locality described below is likely to be acquired for the said* purpose.

This notification is made under provision of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Land Acquisition Collector, Himachal Pradesh P. W. D., Kangra.

No. 9-17-73-PW(B) Simla-2, the 6th February, 1975

*Lift Irrigation Scheme, Basal

SPECIFICATION

District: UNA Tehsil: UNA

Village	Khasra No.	Area in K. M.
1	2	3 4
BASAL	3974	0 3
	3490/2	0 3
	3503/1	3 12
	3500	0 1
	3499	0 2
	3497	0 3
	3496	0 0
	3466	0 1
	3510	0 2
	3516	0 3
	3322	0 2
	3518	0 4

1	2	3	4
	3148	0	4
	3118	0	1
	3119	0	2
	3117	0	2
	3116	0	8
	3108	0	3
	3109	0	2
	3103	0	5
	3083	0	6
	3082	0	7

Total .. 24 6 16

** Lift Irrigation Scheme Palkwah*
No. 9-17/73-PW(B). Simla 2, the 6th February, 1975
PALKWAH

	6118	0	12
	6193	0	8
	6192	0	10
	6191	0	5
	6189	0	8
	8553		
		0	15
	6188		
	6184	0	11
	6185	0	4
	6180	0	4
	6179	0	3
	8652		
		0	4
	6177		
	6186	0	2
	6187	0	4
	6188	0	3
	Nil	0	3
	6769	0	9
	7062		
		0	4
	6226		
	7660		
		0	4
	6225		
	6235	0	1
	8149		
		0	4
	6257		
	6258	0	9
	6262	0	5
	6034	0	11
	6118	0	2
	6107	0	3
	6106	0	7
	6097	0	6
	6096	0	7
	6095	0	4
	6094	0	3
	6087	0	5
	6086	0	5
	6085	0	3
	6076	0	4
	4744	0	4
	4741	0	5
	4740	0	4
	4752		
		0	6
	4734		

1	2	3	4
	4753		
		0	6
	4734		
	4753		
		0	3
	4734		
	4752	0	9
	4733	0	3
	4731	0	5
	4730	0	6
	4729	0	3
	5014		
		0	4
	5005		
	5013		
		0	5
	5015		
	4759		
		0	4
	4797		
	4759		
		0	3
	4797		
	4759		
		0	4
	4797		
	4780		
		0	4
	4777		
	4987	0	17
	4936	0	18
	4953	0	2
	4954	0	2
	4955	0	2
	4956	0	2
	4959	0	1
4	Kitta	3	11
3	14	1	6
	5		
2	33	7	19
1	6	2	18
Total ..	58	15	14

By order,
R. C. GUPTA,
Secretary.

Simla-171002, the 10th February, 1975

No. 1-25/69-PW "A" Vol. II.—Shri S. C. Kapoor, Executive Engineer, Irrigation Division, Dharamsala is hereby transferred and posted as Engineer Officer (South) Headquarters against a vacant post in the public interest.

It is further ordered that Shri N. P. Vakil, Executive Engineer, Irrigation Division, Una will hold the additional charge of Irrigation Division, Dharamsala in addition to his own duties, without any extra remuneration.

Shri S. C. Kapoor will be entitled to joining time and T.T.A. as admissible under the rules.

Simla-171002, the 11th February, 1975

No.1-9/73-PWD.—The Governor, Himachal Pradesh is pleased to extend the deputation (foreign service) period of Shri R. B. Singh, Executive Engineer, Public Health Division, H. P. P. W. D., with the H. P. Housing

Board for a further period of one year i.e. from 6-9-1974 to 5-9-1975 on the usual terms and conditions as contained in letter No. 1-115/72-PWD, dated 22-1-1974.

R. C. GUPTA,
Secretary.

Simla-171002, the 13th February, 1975

No. 9-9/73-PW (B)-(75).—Notification No. 2-32/70-PWD, dated 7-10-1970 relating to village Karnala and two notifications No. 2-32/70-PWD, dated 15-10-1970 relating to village Kaote and Fagnyar, issued under section 4, are hereby cancelled.

By order,
R. C. GUPTA,
Secretary.

REVENUE DEPARTMENT NOTIFICATIONS

Simla-2, the 10th February, 1975

No. 2-27/73-Rev. I (II).—In exercise of the powers vested in him under section 3(c) of the Land Acquisition Act, 1894, and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to confer upon Shri B. K. Kapoor, Sub-Divisional Officer (Civil), Ghumarwin, District Bilaspur, all the powers of a Collector under the said Act to be exercised by him within the local limits of Ghumarwin Sub-Division of Bilaspur district, from the date he took over the charge of the post.

Simla-2, the 10th February, 1975

No. 2-27/73-Rev. I (II).—In exercise of the powers vested in him under clause (a) of sub-section (1) of section 28 of the Himachal Pradesh Land Revenue Act, 1953 (6 of 1954), the Governor, Himachal Pradesh, is pleased to confer upon Shri B. K. Kapoor, Sub-Divisional Officer (Civil), Ghumarwin, District Bilaspur, all the powers of a Collector under the said Act to be exercised by him within the local limits of Ghumarwin Sub-Division of Bilaspur district, subject to the control of the Collector of the District, from the date he took over the charge of the post.

Simla-2, the 10th February, 1975

No. 2-27/73-Rev. I (II).—In exercise of the powers vested in him under clause (b) of sub-section (1) of section 28 of the Himachal Pradesh Land Revenue Act, 1953 (6 of 1954), and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to confer upon Shri B. K. Kapoor, Sub-Divisional Officer (Civil), Ghumarwin, District Bilaspur, all the powers of an Assistant Collector First Grade under the said Act to be exercised by him within the local limits of Ghumarwin Sub-Division of Bilaspur district, from the date he took over the charge of the post.

Simla-2, the 10th February, 1975

No. 2-29/73-Rev. I.—In exercise of the powers vested in him under section 3(c) of the Land Acquisition Act, 1894, and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to confer on Shri I. D. Verma, Land Acquisition Officer, Solan, to perform the functions and exercise the powers of a Collector under the said Act in the Himachal Pradesh Public Works Department, Third Circle, comprising whole Sirmur district and Tehsils Solan, Nalagarh, Arki, Kasauli and parts of Tehsil Kandaghat of Solan district and a part of Tehsil Chopal of Simla district,

in respect of acquisition of land for purposes of H.P. Public Works Department and Himachal Pradesh State Electricity Board, from the date he took over the charge of the post.

By order,
K. C. PANDEYA,
Secretary.

TRANSPORT DEPARTMENT

NOTIFICATIONS

Simla-171002, the 12th February, 1975

No. 14-40/70-Tpt.—In exercise of the powers conferred by section 14 (3) of the Himachal Pradesh Motor Vehicles Taxation Act, 1972 (Act No. 4 of 1973) and all other powers enabling him in this behalf, the Governor of Himachal Pradesh is pleased to exempt the following classes of motor vehicles from the payment of motor vehicles tax to the extent indicated against each:—

- (i) Motor vehicles owned and kept for use by Departments of the Central or State Government—Total exemption.
- (ii) Motor vehicles owned and kept for use by any local authority situated within the State of Himachal Pradesh—Total exemption.
- (iii) Motor vehicles owned by the manager of a school and kept for the sole use of conveying pupils to and from a school—Total exemption.
- (iv) Motor vehicles classed as ambulances owned by the authorities of a hospital and kept for the sole use of conveying patients to and from the hospital—Total exemption.

By order,
R. C. GUPTA,
Secretary.

Simla-171002, the 20th January, 1975

No. 20-16/73-TPT.—In supersession of this Department previous letter No. 3-7/68-TPT, dated the 5th June, 1968, the Governor of Himachal Pradesh is pleased to reconstitute with immediate effect in each District a Committee consisting of the following officers for assessing fitness/suitability and safety of roads in Himachal Pradesh for vehicular passenger traffic before the Himachal Pradesh P. W. D. issues road fitness certificate on the prescribed proforma already prescribed vide letter No T-102-126/56, dated 30-4-57:—

- | | |
|---|-----------|
| 1. Deputy Commissioner | Chairman. |
| 2. Superintendent of Police or his representative not below the rank of D. S. P. | Member. |
| 3. Executive Engineer, Himachal Pradesh P. W. D. | Member. |
| 4. Regional Transport Manager/ Assistant Manager, H.R.T.C. | Member. |
| 5. Regional Transport Officer in those areas where transport has not been fully nationalised. | Member. |

By order,
GANESH MISRA,
Secretary.

इत्यादि

OFFICE OF THE DISTRICT MAGISTRATE,
SIMLA DISTRICT (H. P.)

NOTIFICATION

Simla-1, the 22nd January, 1975

No. F&S/SML-74-696.—In exercise of the powers conferred upon me by clause 3(1)(a) of the Himachal Pradesh Hoarding and Profiteering Prevention Order, 1974 issued by the Government of Himachal Pradesh vide No. 1144/71-Coop (F&S), dated the 7th October, 1974, I, B. B. Tandon, District Magistrate, Simla district, Himachal Pradesh, hereby fix the maximum quantity of the articles specified in schedule of the said order which may be kept by the dealer in Simla district. This order will come into force at once.

Sl. No.	Name of commodity	Maximum quantity which may be possessed by the dealer
---------	-------------------	---

- | | | |
|---|---------------------------|---|
| 1 | Wheat and wheat Products. | <p>(a) All dealers having no licence under wheat dealers Licensing Order, 1973 below 5 (Five) quintals at a time.</p> <p>(b) All dealers having a licence under the Himachal Pradesh Wheat Dealers licensing Order, 1973 according to the terms and conditions of the licence issued in this behalf by the Licensing Authority.</p> |
|---|---------------------------|---|

- | | | |
|---|--|--|
| 2 | All the foodgrains i.e. Gram, Barley, Rice and Maize including their products. | <p>(a) Dealer other than a dealer who is having a valid Licence under the Himachal Pradesh Foodgrains dealers Licensing Order, 1968 any item at a time below, 10 quintals for one foodgrain and below 25 quintals for all foodgrains taken together.</p> <p>(b) Dealer having a valid licence under the Himachal Pradesh Foodgrains Dealers Licensing Order, 1968 in accordance with the terms and conditions of the licence issued in this behalf by the Licensing Authority under the Himachal Pradesh Foodgrains Dealers Licensing Order, 1968.</p> |
|---|--|--|

- | | | |
|---|-------|---|
| 3 | Sugar | <p>(a) Dealer other than a dealer who is holding a valid licence under Himachal Pradesh Sugar Dealers Licensing Order, 1967 below 10 quintals at a time.</p> <p>(b) Dealer having a licence under the Sugar Dealers Licensing Order, 1967 in accordance with the terms and conditions of the licence.</p> |
|---|-------|---|

- | | | |
|--|---------------------------|--|
| | Gur-Shakar and Khandsari. | <p>(a) Dealer other than a dealer who is holding a licence under the Gur-Khandsari</p> |
|--|---------------------------|--|

Sl. No.	Name of commodity
---------	-------------------

- | | |
|---|--|
| 5 | Hydrogenated vegetable oils (V. ghee). |
|---|--|

Maximum quantity which may be possessed by the dealer
Dealers Licensing Order, 1967, below 10 quintals at a time.

- (b) Dealer having a licence under the Gur-Khandsari Dealers Licensing Order, 1967 in accordance with the terms and conditions of the licence issued by the Licensing Authority.

- (a) A dealer other than the dealer who is holding a licence under the Himachal Pradesh Hydrogenated vegetable Oils Licensing Order, 1967 two tins of 16.5 kgs. at a time.

- (b) Dealer holding a valid licence under the Himachal Pradesh Hydrogenated Vegetable Oils Licensing Order, 1967 in accordance with the terms and conditions of the licence issued in this behalf by the Licensing Authority.

Note.—This limit shall not be applicable to the producers of the above mentioned commodities.

B. B. TANDON,
District Magistrate, Simla.

OFFICE OF THE DISTRICT FOOD AND SUPPLY
OFFICE CHAMBA DISTRICT, CHAMBA H. P.

NOTIFICATION

Chamba, the 17th January, 1975

No. CS (Order) 28/71-389-91.—In exercise of the powers delegated under clause (b) of the sub-section 2 of the Himachal Pradesh Salt (Distribution and Price) Control Order, 1971 by the District Magistrate, Chamba to under-signed, I, M. C. Guleria District Food and Supplies Officer, Chamba district, Chamba hereby appoint M/s Tek Chand Daya Ram, Chowari, P. O. Chowari, Tehsil Bhattiyat, District Chamba as Wholesale Nominee for Bhattiyat Tehsil of Chamba district to import iodized salt in the Bhattiyat Tehsil (Chamba district) from Shambhar Lake or from any other source from where Himachal Pradesh Government allow iodized salt as required under clause 2(i) of the said order.

M. C. GULERIA,
District Food and Supplies Officer,

PUBLIC WORKS DEPARTMENT

NOTIFICATIONS

Simla-3, the 15th January, 1975

No. SE-II-R-54-5/III-2394-46.—Whereas it appears to the Governor, Himachal Pradesh that the work is required to be taken by the Government at public expense

for a public purpose, namely for construction of Oddi-Khanati-Kotgarh-Bhara road, it is hereby declared that the land described in the specification below is required for the above purpose.

The declaration is made under the provision of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act the Collector, Land Acquisition, Himachal Pradesh Public Works Department is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected in the office of the Collector Land Acquisition, Himachal Pradesh Public Works Department, Districts Simla and Outer Seraj Kulu, Kasumpti.

SPECIFICATION

District: SIMLA Tehsil: KUMARSAIN

Village	Khasra No.	Area Bis. Big.
SHEELI	194	0 7

Simla-3, the 15th, January, 1975

No. SE-II-R-54-5/III-23912-76.—Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at the public expense, for a public purpose, namely for the construction of Luri-Dalash road, it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector of Land Acquisition Officer, Simla-9 and Outer Seraj Kulu district, Simla-9.

SPECIFICATION

District: KULU Tehsil: ANI

Village	Khasra No.	Area Big. Bis.
1	2	3 4
FATI SOI DHAR	292	2 5
	294	0 11
	298	1 3
	299	0 19
	302	0 12

1	2	3	4
	293	0	6
	295	0	5
	304	2	16
	291	1	2
	290	0	10
	289	1	1
	305	3	8
	285 min	5	8
	285 min	0	7
	3059	6	16
	3057	4	7
	3058	0	18
	3060	2	8
	3055	10	14
	3119	1	4
	3044	2	14
	3442	4	3
	3409	0	12
	3410	0	14
	3444	0	11
	3720	3	15
	3721	6	5
	2549	3	12
	2985	18	2
	2986	3	2
	2943	3	4
	2984	0	4
	2987	8	9
	2988	1	6
	2548	0	9
Total ..	35	113	1

Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at Public expense for a public purpose*, it is hereby declared that the land described in the specification below is required for the said* purpose.

The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act the Collector, Land Acquisition, Himachal Pradesh Public Works Department is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh Public Works Department, Simla-9.

No. SE-II-R-54-1/24083-87 Simla-3, the 16th January, 1975

*Construction of Junga-Sadhupul Road

SPECIFICATION

District: SOLAN Tehsil: KANDAGHAT

Village	Khasra No.	Area Big. Bis.
1	2	3 4
NEHARA	42	0 5
	43	0 5
	41/1	1 4
	44/1	2 1
	45/1 min	0 94
	46/1	0 1

1	2	3	4	1	2	3	4
	45/3 min	0	14		119/1	1	1
	2/1	0	3		319/1	0	2
	47/1	0	2				
	103/46/1	0	2				
	98/1 min	2	4				
Total	11	8	3		29	9	16

No. SE-II.R.54-1/II-25186-90. Simla-3, the 7th February, 1975

				SHAKRORI	793/142/1	0	3
					317/1	0	5
					138/1	0	3
					318/1	0	1
					191/1	0	2
					172/1	0	2
					175/1	0	2
					193/1	0	2
					291/1	0	3
					293/1	0	3
					187/1	0	3
					675/7/1	0	5
					202/1	0	5
					174/1	0	3
					196/1	0	3
					6/1	0	8
					186/1	0	2
					195/1	0	1
					194/1	0	2
					4/1	0	7
					206/1	0	3
					306/1	0	6
					5/1	0	4
					203/1	0	11
					305/1	0	3
					305/2	0	11
					190/1	0	1
					184/1	0	1
					3/1	0	1
					304/1	0	11
					1030/141/1	0	4
					173/1	0	3
					1032/141/1	0	1
					342/1	0	4
					643/1	0	8
					656/1	0	2
					652/1	0	3
					669/655/1	0	5
					139/1	0	7
					794/142/1	0	1
					292/1	0	2
					798/197/1	0	2
					204/1	0	3
					205/1	0	2
					799/197/1	0	5
					653/1	0	1
					1029/674/1	0	1
					1028/674/1	0	1
				Total	48	8	12

*Construction of Luri-Suni road.

No. SE. II-R-54-1/II-25181-85, Simla-3,

[the 7th
February, 1975

SPECIFICATION

District: SIMLA
TALAH

Sub-Teksil SUNI

219/1	0	1
136/1	0	1
136/2	0	3
137/1	0	1
141/1	0	11
304/1	0	6
330/1	0	3
306/1	0	6
328/1	0	8
307/1	0	6
331/1	0	2
326/1	0	2
326/2	0	4
241/1	0	14
145/1	0	1
262/1	0	6
135/1	0	9
207	0	19
218/1	0	4
7/1	0	13
10/1	1	1
116/1	0	4
239/1	0	8
5/1	0	15
243/1	0	17
318/1	0	7
118/1	0	1

No. SE. II. R. 54-1/II-25201-05.

Simla-3, the 7th
February, 1975.

JAISHI

525/378/1	0	3
208/1	0	8
319/1	0	1
321/1	0	3
240/1	0	6

1	2	3	4
	399/1	0	3
	564/351/1	0	4
	563/351/1	0	3
	562/320/1	0	2
	519/288/1	0	8
	323/1	0	1
	217	0	3
	385/1	0	4
	218/1	0	4
	218/2	0	4
	355/1	0	7
	243/1	0	7
	90/1	0	4
	349/1	0	1
	329/1	0	1
	338	0	5
	344/1	0	5
	384/1	0	6
	386/1	0	2
	353/1	0	1
	330/1	0	3
	356/1	0	5
	287/1	0	5
	342/1	0	1
	211/1	0	1
	366/1	0	2
	146/1	0	1
	155/1	0	1
	481/1	0	9
	210/1	0	12
	354/1	0	1
	220/1	0	7
	322	0	4
	382/1	0	5
	320/1	0	2
Total	40	7	15

No. SE. II. R. 54-1/II-25196-200.

Simla-3, the 7th
February, 1975.

CHABARI	300/1	0	9
	24/1	0	11
	758/6/1	0	1
	761/7/1	0	2
	981/784/294/1	0	8
	930/759/1	0	2
	922/759/1	0	6
	929/759/1	0	3
	980/783/294/1	0	6
	983/297/1	0	8
	966/53/1	0	1
	926/775	0	7
	931/759/1	0	1
	919/755/1	0	5
	984/297/1	0	3
	760/7/1	0	2
	52/1	0	2
	872/51/1	0	10
	299/1	0	4
	50/1	0	2
	946/16/1	0	3
	938/15	0	2
	948/16/1	0	1
	952/16/1	0	1
	937/15	0	2
	947/16/1	0	3
Total	26	5	5

No. SE II. R. 54-1/II-25191-95

Simla-3, the 7th
February, 1975.

BHARARA	172	0	5
	27/1	0	7
	163/1	0	1
	168/1	0	1
	298/1	1	8
	469/1	0	1
	23/1/1	0	2
	563/244/1	0	1
	174/1	0	1
	162/1	0	1
	198/1	0	4
	301/1	0	3
	161/1	0	2
	608/23/1	0	4
	609/23/1	0	1
	612/23	0	4
	613/23/1	0	1
	171	0	17
	306/1	0	6
	199/1	0	1
	305/1	0	4
	200/1	0	5
	501/1	0	14
	170/1	0	1
	300/1	0	4
	149/1	0	3
	299/1	0	1
	294/1	0	2
	291/1	0	6
	152/1	0	1
	458/1	0	2
Total	31	6	14

No. SE-II-R-54-1/II-25176-80.

Simla-3, the 7th
February, 1975.

LUNSOO	55/1	0	18
	25/1	0	6
	313/1	0	11
	8/1	0	4
	14/1	0	4
	319	0	1
	366/1	0	9
	320	0	2
	39/1	0	4
	23/1	0	1
	19/1	0	9
	31/1	0	2
	18/1	0	13
	305/374/1	0	11
	394/374/1	0	5
	375/1	0	2
	311/1	0	3
	32/1	0	4
	312/1	0	5
	30/1	0	1
	5/1	0	3
	507/15/1	0	2
	510/17/1	0	1

1	2	3	4
	310/1	0	4
	7/1	0	5
Total ..	25	6	10

O. P. SABHLOK,
Superintending Engineer,
2nd Circle, H. P. P. W. D., Simla-3.

Simla-1, the 20th January, 1975

No. SE-IV-R/100/74-967-70. Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at the public spaces for a public purpose, namely for widening of Kalla-Simla Road at km. 146 to 147 is hereby notified that land in the locality described below is likely to be required for the above purpose.

This land is liable under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector of Land Acquisition, Simla, Solan and Bilaspur districts.

SPECIFICATION

District : SIMLA

Tehsil : SIMLA

Village	Khasra No.	Area
1	2	sq. yds. sq. ft
		3 4

S/W BOHLEAUGA- NJ.	157 Wakimanda	1000 0
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1	2	3	4
	157/8	12	4
	158/5	122	4
	158/2	266	6
	158/8	19	0
	158/15	21	3
	158/14	116	1
	158/16	50	0
	158/17	20	0
	158	1500	0
	Wakimanda		
	170	30	0
	Wakimanda		
	170/3	4	0
	156	1500	0
	Wakimanda		
	153	1500	0
	Wakimanda		
	153/2	34	8
	153/3	80	0
	347/275	5000	0
	135/8	1	7
	135/9	2	7
	135/10	21	3
	135	2000	0
	Wakimanda		
	127/9	40	0
	127	800	0
	Wakimanda		
	128	200	0
	Wakimanda		
	138/2	70	0
	138	500	0
	Wakimanda ..		
	133	46	0
	137	19	5
	129	40	4
Total ..	29	15488	7

TARA CHAND,
Superintending Engineer,
4th Circle, H. P. P. W. D., Simla.

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनेन्शियल कमिशनर तथा कमिशनर आफ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि

PUBLIC WORKS DEPARTMENT

NOTIFICATIONS

Simla-2, the 7th February, 1975

No. 1-18/75-PW 'A'.—The Governor, Himachal Pradesh is pleased to make the following amendments/substitutions in Annexure 'A' to this Government notification No. 1-37/69-PWD. A., dated the 4th May, 1974, notifying the Recruitment & Promotion Rules in respect of the post of Town and Country Planner, Himachal Pradesh Public Works Department:—

Rule 11. Be substituted as under:—

"By promotion from amongst Assistant Town Planner possessing a degree in Town Planning or Architecture with 8 years regular or *ad hoc* service or

both in the grade and Assistant Town Planners possessing a Diploma in Town Planning or Architecture with ten years regular or *ad hoc* service or both.

Note.—In all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including *ad hoc* one) in the feeder post, all persons senior to him in the respective category shall be deemed to be eligible for consideration and placed above the junior officials in the field of consideration."

Simla-2, the 7th February, 1975

No. 1-17/75-PW. 'A'.—The Governor, Himachal Pradesh is pleased to make the following amendments/

substitutions in the Annexure I to this Government notification No. 1-70/70-PWD., dated the 5th April, 1973, notifying the Recruitment & Promotion Rules in respect of the posts of Executive Engineers (Civil), Himachal Pradesh Public Works Department, as amended *vide* notifications dated 17th April, 1973 and 16th March, 1974:—

Rule 11. The words "regular service" appearing after the words "8 years" and before the word "respectively" be substituted by the words "regular or *ad hoc* service or both";

Note.—In all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including *ad hoc* one) in the feeder post, all persons senior to him in the respective category shall be deemed to be eligible for consideration and placed above the junior officials in the field of consideration.

Simla-171002, the 10th February, 1975

No. 1-43/73-PW "A".—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to make the following amendment/substitutions in the Recruitment and Promotion Rules in respect of the posts of Superintendents (Class II Gazetted) in the Chief Engineers' Office, Himachal Pradesh Public Works Department, notified *vide* this Government notification No. 1-43/73 PWD (A), dated 24th November, 1973, by substituting rule 11 in Annexure I, as under:—

Rule 11

By promotion:

- (i) From amongst the Circle Superintendents with 2 years regular or *ad hoc* service or both, in the grade.
- (ii) In all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including *ad hoc* one) in the feeder post, all persons senior to him in the respective category shall be deemed to be eligible for consideration and placed above the junior officials in the field of consideration.

R. C. GUPTA,
Secretary.

REVENUE DEPARTMENT

NOTIFICATIONS

Simla-2, the 20th January, 1975

No. R. 24-158/68.—Shri P. L. Gupta, Tehsildar, Barsar, District Hamirpur is allowed to cross the efficiency bar at the stage of Rs. 300 in the pre-revised scale of Rs. 270-15-300/25-400/25-500 with effect from 5-2-63, raising his pay from Rs. 300 to Rs. 325 P.M. in that scale.

Simla-171002, the 21st January, 1975

No. 1-2/73-Rev-A.—Shri H. K. Sharma, a temporary Tehsildar presently posted as Settlement Tehsildar, Palampur, District Kangra shall retire from Government

service with effect from 31-1-75 (A.N.), on attaining the age of superannuation.

Simla-171002, the 28th January, 1975

No. 2-14/71-Rev. I.—In exercise of the powers vested in him under the proviso to Article 309 of the Constitution, the Governor, Himachal Pradesh is pleased to make the Recruitment and Promotion Rules in respect of Class III Service (except Superintendent) of the Office of Divisional Commissioner, Himachal Pradesh, with regard to the following matters, namely:—

- (i) the method of recruitment to the Himachal Pradesh Class III Services (except Superintendents) of the Office of Divisional Commissioner, Himachal Pradesh;
- (ii) the qualifications necessary for appointment to such services and posts; and
- (iii) the conditions of service of persons appointed to such services and posts for purposes of probation, confirmation, seniority and promotion.

2. The notifications of even number, dated 14/20th December, 1974 *vide* which the Class III Rules were notified stand cancelled.

RECRUITMENT RULES

PART I—GENERAL

1. **Short title and commencement.**—(i) These rules may be called the Himachal Pradesh Class III Service (except Superintendents) (Recruitment, Promotion and certain Conditions of Service) Rules, 1974 of the office of Divisional Commissioner, Himachal Pradesh.

(ii) These rules shall come into force from the date of publication thereof in the Official Gazette.

2. **Definitions.**—In these rules, unless there is anything repugnant in the subject or context:—

- (a) "Appendix" means Appendix 'A' to the rules.
- (b) "Appointing Authority" means the authority competent to make appointment to the category of posts in the service.
- (c) "Office" means the office of the Divisional Commissioner, Himachal Pradesh.
- (d) "Commissioner" means the Divisional Commissioner.
- (e) "Direct Appointment" means an appointment made otherwise than by promotion of a member of the service or by transfer of an official already in service of the Government or of the Union or of any State or of any Union Territory.
- (f) "Departmental Promotion Committee" means a Departmental Promotion Committee constituted by the Government under Rule 9 of these rules.
- (g) "Government" means the Himachal Pradesh Government.
- (h) "Head of the Department" means the Divisional Commissioner, Himachal Pradesh.
- (i) "Governor" means the Governor of Himachal Pradesh.
- (j) "Member" means member of the Service.
- (k) "Post" means posts in the office of the Divisional Commissioner shown in Appendix 'A'.

- (l) "Recognised University" means any University incorporated by law in India or any other University which may be declared by Government to be a recognised University for the purpose of these Rules.
- (m) "Scheduled Castes" means the Castes, Races or Tribes or parts of or groups within Castes, Races or Tribes specified in the Constitution (Scheduled Castes) Order, 1950, as amended by Section 19(1) read with First Schedule of the State of Himachal Pradesh Act, 1970 (53 of 1970) and as it may further be amended from time to time.
- (n) "Scheduled Tribes" means the Tribes or Tribal Communities or parts of groups within Tribes or Tribal Communities specified in the Constitution (Scheduled Tribes) Order, 1950, as amended by section 20(1) read with the Third Schedule of the State of Himachal Pradesh Act, 1970 (53 of 1970) and as it may further be amended from time to time.
- (o) "The Service" means the Himachal Pradesh Class III (non-Gazetted) service (except Superintendent) of the Office of the Divisional Commissioner, Himachal Pradesh.

PART II

RECRUITMENT TO SERVICE

3. *Character of posts.*—The character (i.e.) category, designation, grade etc.) of the various posts included in the Service and their rates of pay shall be as indicated in Appendix 'A'.

4. *Authority empowered to make appointment.*—All appointments to posts in the service, whether by direct recruitment or by promotion, shall be made, on the recommendations of the Departmental Promotion Committee, by the Head of the Department or any other authority declared as such by the Government.

5. *Nationality, eligibility and age etc.*—(1) A candidate for appointment to any post in the Service must be—

- a citizen of India, or
- a subject of Sikkim, or
- a subject of Nepal, or
- a subject of Bhutan, or
- a Tibetan Refugee who came over to India before 1st January, 1962 with the intention of permanently settling in India, or
- a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India.

Provided that a candidate belonging to categories (c), (d), (e) and (f) shall be a person in whose favour a certificate of eligibility has been given by the Government of India:

Provided further that if he/she belongs to category (f), the certificate of eligibility will be valid only for a period of one year from the date of his/her appointment after which such a candidate will be retained in services subject to his/her having acquired the Citizenship of India.

A candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview and he/she may also be appointed provisionally by the Government subject to the production of the necessary eligibility certificate from the Government of India.

(2) Unless he/she is already in Government service a candidate shall be required to produce—

- a certificate of good moral character from the Principal Academic Officer of his/her University, College, School or the Head of his/her educational or technical institution last attended;
- certificate of good moral character from two responsible persons, not being his/her relatives, who are well acquainted with him/her in private life and unconnected with his/her University, College, School or other educational or technical institution;
- a medical certificate, as required by rule 10 of Fundamental Rules and Rules 3 and 4 of Supplementary Rules;
- an attested copy of the certificate(s) of educational qualifications he/she possesses;
- a declaration to the effect that he has not more than one living wife;
- No person who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse; shall be eligible for appointment to the service; and
- in the case of a female Government servant, a declaration to the effect that she has not married a person having already a living wife;
- No woman whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a man who has a wife living at the time of such marriage, shall be eligible for appointment to the Service:

Provided that the competent authority may, if satisfied that there are special grounds for doing so, exempt any person from the operation of sub-rule 2(v) and 2(vi) of Rule 5 above.

3. A candidate must not be less than 18 years and not more than 27 years of age on the date of his/her appointment:

Provided that the minimum and maximum age limit as prescribed above may be relaxed in pursuance of the instructions laid down in Government of India, Ministry of Home Affairs, Office Memo. No. 4-7/66-RPS, dated the 30th November, 1956, and of administrative instructions given in Appendix 3 of the Posts and Telegraphs Compilation of the Fundamental and Supplementary Rules, Volume II:

Provided further that the maximum age limit may be relaxed in the case of Scheduled Caste and Scheduled Tribe candidates displaced persons and other special categories in accordance with the orders issued by the Government in that behalf from time to time.

6. *Verification of antecedents.*—Antecedents of all persons appointed by direct recruitment shall be verified immediately and those appointed by transfer and whose antecedents have not been verified previously shall also be sent for verification immediately after such person(s) join the post(s) in the office.

7. *Educational and technical qualifications.*—No

person shall be appointed direct to the service unless in the case of appointment to the post of—

1. *Personal Assistant*.—He/She is a graduate of a recognised University and possesses a minimum speed of 100 words per minute in short hand and 40 words per minute in type.
2. *Naib-Tehsildar*.—By transfer from amongst the Naib Tehsildars already serving under the Revenue Department.
3. *Stenographer*.—He/She is a Matriculate of a recognised University and possesses a minimum speed of 100 words per minute in shorthand and 40 words per minute in type.
4. *Clerk*.—He/She has passed the Matriculation or Higher Secondary or its equivalent examination of a recognised University and possesses a minimum speed of 30 words per minute in typewriting in English or 30 words per minute in Hindi type writing (according to the needs for which recruitment is made):

Provided that the prescribed educational qualifications will be relaxed in the case of Class IV personnel who possess the prescribed typing qualification and educational qualifications in Hindi, such as Rattan/Bushan/Prabhakar (Proficiency in Hindi/High Proficiency in Hindi/Honours in Hindi) or equivalent thereto, and have passed the Matriculation Examination in English only, if they are otherwise eligible. A person selected on the basis of these relaxed educational qualifications shall be posted on trial to perform the duties of a clerk for a period of six months during which he/she will continue to draw the pay of the post of Class IV establishment held by him/her. On his/her trial he/she shall be formally appointed to the post of a clerk from which date he/she will be entitled to draw his/her pay of that post:

Provided further that if suitable candidates with the requisite typing qualification are not available for appointment to the post of Clerk, then possession of typing qualification may not be insisted upon but the persons so appointed will neither be eligible to draw increment in the pay scale nor will they be entitled to confirmation in the grade till such time they acquire the speed of 30 words per minute in English or in Hindi typewriting as the case may be:

Provided further that the condition of qualifying the type-writing test will not apply in the case of physically handicapped persons who are otherwise eligible for appointment to the post of Clerk in the Department under these rules and who are certified as being unable to type by the Medical board attached to Special Employment Exchanges for the Handicapped (or by a Civil Surgeon where there is no such board).

6. *Driver*.—He is at least Middle pass and possesses Driving Licence for light and heavy vehicles valid for hill roads:

Provided that the knowledge of customs, manners and dialects of Himachal Pradesh shall be an essential qualification for purposes of eligibility to the posts in the service:

Provided that notwithstanding anything herein contained and for reasons to be recorded in writing, the qualifications, experience etc., prescribed for the various posts may be relaxed in special circumstances, by the Government.

8. *Method of recruitment*.—Posts in the Service shall be filled by promotion in the following manner:—

1. *Assistant*.—Appointment to the post of Assistant shall be made by promotion from amongst the Clerks and the Stenographer who have put in at least 5 years of service as Clerk/Stenographer on the basis of seniority, subject to the rejection of unfit.

2. *Personal Assistant*.—Appointment to the post of Personal Assistant shall be made by promotion of the Stenographer with 5 years service as such subject to the rejection of unfit, failing which by direct recruitment on the basis of competitive examination and interview:

Provided that direct recruits shall satisfy the minimum qualifications laid down in Rule 7(1).

3. *Stenographer*.—Appointment to the post of Stenographer shall be made by promotion from amongst Clerks with requisite knowledge of short-hand and type-writing failing which by direct recruitment.

4. *Clerks*.—Appointment to the post of Clerk shall be made from amongst persons already in the service and by direct recruitment on the basis of a test and interview. The list of successful candidates will be drawn as a whole on the basis of merit at the time of selection:

Provided that such of Class IV staff employed in Himachal Pradesh Government offices as have passed the Matriculation or Higher Secondary or equivalent thereto examination of a recognised University shall also be considered for appointment as Clerks against the available vacancies without their coming through the Employment Exchanges afresh.

5. *Driver*.—Appointment to the post of Driver shall be made by transfer of a person already in the service of the Government or by direct recruitment on the basis of interview and such other test as the Commissioner may prescribe.

Saving.—“Nothing in these rules shall affect reservations and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Himachal Pradesh Government from time to time in this regard.”

9. *Selection by Departmental Promotion Committee*.—The selection to the posts/services shall be made by the D.P.C. constituted for this purpose by the Government.

PART III

CONDITIONS OF SERVICE

10. *Probation of members of Service*.—(i) Members of the service who are appointed against permanent vacancies shall, on appointment to any post in the service, remain on probation for a period of two years.

Explanation.—Approved officiating service shall be taken as a period spent on probation but no member who is officiating in any appointment shall on the completion of the probationary period prescribed, be confirmed until he/she is appointed against a permanent vacancy.

(ii) If the work or conduct of any member during his/her period of probation is, in the opinion of the appointing authority not satisfactory, the appointing authority may dispense with his/her services or revert him/her to his/her former post if he/she has been appointed to that post otherwise than by direct recruitment.

(iii) On the completion of the period of probation of any member, the appointing authority prescribed in Rule 4, may confirm such member in his/her appointment or if his/her work or conduct has in the opinion of the appointing authority, not been satisfactory, may dispense with his/her services or revert him/her to his/her former post, if he/she has been appointed otherwise than by direct recruitment or may extend the period of probation and thereafter pass such orders on the expiry of the extended period of probation as it could have passed on the expiry of the first period of probation:

Provided always that the total period of probation including extension, if any, shall not exceed four years.

11. *Seniority of members of services.*—Permanent officers of each grade shall rank senior to persons who are officiating in the grade. Appointments in substantive capacity in a particular grade will be determined on the

basis of the date of joining that service. In case more than one person join any particular service on the same date, their order for giving a permanent vacancy will be determined on the basis of the order of selection or the total length of service in that particular grade as the case may be.

ANNEXURE 'A'

Sl. No.	Designation of the Scale of pay post	Existing strength
1.	Assistants Rs. 225-15-360/20-500	8
2.	Personal Assistant Rs. 225-15-360/20-500 plus Rs. 50 as special pay	1
3.	Najib-Tehsildars Rs. 225-15-360/20-500	3
4.	Stenographer Rs. 140-6-170/8-210/10-300.	1
5.	Clerks Rs. 110-4-130/5-180/6-210/8-250	16
6.	Drivers Rs. 110-4-140/5-160	—

K. C. PANDEYA,
Secretary.

भाग 4—स्थानीय स्वायत्त: शासन म्यूनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड ग्रौर टाउन एरिया तथा पंचायत विभाग

PANCHAYATI RAJ DEPARTMENT

NOTIFICATION

Simla-4, the 11th February, 1975

No. 28-71/58-Panch-II.—The Governor, Himachal Pradesh, regrets to announce the death of Shri M. M. Bhota, District Panchayat Officer, Bilaspur who expired on 6-12-1974 (A. N.).

C. M. CHATURVEDI,
Secretary.

भाग 5—व्यक्तिक अधिसूचनाएं और विज्ञापन

PROCLAMATION UNDER SECTION 5, RULE 20 C. P. C.

In the Court of Shri Dile Ram Hazari, Assistant Collector 1st Grade, Una district, Una, Himachal Pradesh

Application No. of 1974

Lila Devi Soli vs. Harbans Singh and others.

To

1. Harbans Singh s/o Bhagawan Singh, r/o Pathiar now r/o House No. B. 2 MHC No. 150-DS/73, Near District Courts, Hoshiarpur working as Sectional Officer, P. R. P. W. Division, Nawanshahar, District Jullundur.

4. Bikram Dutt s/o Ramdittamal Khatri, r/o Una now Proprietor Usha Sewing Machine Agency, Hoshiarpur Respondents.

Application for partition of land measuring 18 K. 2 M. of land Khewat No. 100 Khatauni Nos. 183 to 186 as per jamabandi for the year 1970-71 situated in Tika Una.

Whereas in the application noted above it has been proved to the satisfaction of this court that the service of the respondents Nos. 1 and 4 Sarvshri Harbans Singh and Bikram Dutt mentioned above cannot be effected by ordinary means so proclamation under section 5, rule 20 C. P. C. is issued requiring the said respondents to appear in this court on 6th day of March, 1975 at 10.00 A. M. personally or through some authorised agent failing which *ex parte* proceedings will be taken against them.

Given under my hand and the seal of the court this 6th day of February, 1975.

DILE RAM HAZARI,
Assistant Collector 1st grade,
Una district, Una, H. P.

Seal.

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

LAW DEPARTMENT

NOTIFICATION

Simla-2, the 20th March, 1972

No. 12-11/71-LR.—The following Acts recently passed by the Parliament which have already been published in the Gazette of India, Extraordinary, Part II, Section 1, are hereby republished in the Himachal Pradesh Government Rajpatra for the information of general public:—

1. The Industries (Development and Regulation) Amendment Act, 1971 (72 of 1971).
2. The Personal Injuries (Emergency Provisions) Amendment Act, 1971 (74 of 1971).
3. The Personal Injuries (Compensation Insurance) Amendment Act, 1971 (75 of 1971).
4. The Supreme Court Judges (Conditions of Service) Amendment Act, 1971 (77 of 1971).
5. The High Court Judges (Conditions of Service) Amendment Act, 1971 (78 of 1971).
6. The Commissions of Inquiry (Amendment) Act, 1971 (79 of 1971).
7. The Companies (Amendment) Act, 1971 (80 of 1971).
8. The Constitution (Twenty-seventh Amendment) Act, 1971.

JOSEPH DINA NATH,
Under Secretary (Judicial).

Assented to on 24th December, 1971

THE INDUSTRIES (DEVELOPMENT AND REGULATION) AMENDMENT ACT, 1971
(Act No. 72 of 1971)

**AN
ACT**

further to amend the Industries (Development and Regulation) Act, 1951.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Industries (Development and Regulation) Amendment Act, 1971.

(2) It shall be deemed to have come into force on the 1st day of November, 1971.

2. *Amendment of section 3.*—In the Industries (Development and Regulation) Act, 1951 (65 of 1951) (hereinafter referred to as the principal Act), in section 3,—

(i) after clause (a), the following clauses shall be inserted, namely:—

“(aa) “current assets” means bank balances and cash and includes such other assets or reserves as are expected to be realised in cash or sold or consumed within a period of not more than twelve months in the ordinary course of business, such as, stock-in-trade, amounts due from sundry debtors for sale of goods and for services rendered, advance tax payments and bills receivable, but does not include sums credited to a provident fund, a pension fund, a gratuity fund or any other fund for the welfare of the employees, maintained by a company owning an industrial undertaking;

(ab) “current liabilities” means liabilities which must be met on demand or within a period of twelve months from the date they are incurred; and includes any current liability which is suspended under section 18FB;”;

(ii) after clause (c), the following clause shall be inserted, namely:—

“(cc) “High Court” means the High Court having jurisdiction in relation to the place at which the registered office of a company is situate;”;

(iii) after clause (i), the following clause shall be inserted, namely:—

“(j) words and expressions used herein but not defined in this Act and defined in the Companies Act, 1956 (1 of 1956), have the meanings respectively assigned to them in that Act.”.

3. *Insertion of new section 15A.*—After section 15 of the principal Act, the following section shall be inserted, namely:—

“is being wound up by or under the supervision of the High Court,

15A. *Power to investigate into the affairs of a company in liquidation.*—(1) Where a company, owning an industrial undertaking, and the business of such company is not being continued, the Central Government may, if it is of opinion that it is necessary, in the interests of the general public and, in particular, in the interests of production, supply or distribution of articles or class of articles relatable to the concerned scheduled industry, to investigate into the possibility of running or re-starting the industrial undertaking make an application to the High Court praying for permission to make, or cause to be made, an investigation into such possibility by such person or body of persons as that Government may appoint for the purpose.

(2) Where an application is made by the Central Government under sub-section (1), the High Court shall, notwithstanding anything contained in the Companies Act, 1956, (1 of 1956) or in any other law for the time being in force, grant the permission prayed for.”.

4. *Amendment of section 18.*—In section 18 of the principal Act, in sub-section (1), after the word and figures “section 15”, the words, figures and letter “or section 15A” shall be inserted.

5. *Insertion of new section 18AA.*—After section 18A of the principal Act, the following section shall be inserted, namely:—

Power to take over industrial undertakings without investigation under certain circumstances.—18AA. (1) Without prejudice to any other provision of this Act, if, from the documentary or other evidence in its possession, the Central Government is satisfied, in relation to an industrial undertaking, that—

(a) the persons in charge of such industrial undertaking have, by reckless investments or creation of incumbrances on the assets of the industrial undertaking, or by diversion of funds, brought about a situation which is likely to affect the production of articles manufactured or produced in the industrial undertaking, and that immediate action is necessary to prevent such a situation; or

(b) it has been closed for a period of not less than three months (whether by reason of the voluntary winding up of the company owning the industrial undertaking or for any other reason) and such closure is prejudicial to the concerned scheduled industry and that the financial condition of the company owning the industrial undertaking and the condition of the plant and machinery of such undertaking are such that it is possible to restart the undertaking and such re-starting is necessary in the interests of the general public, it may, by a notified order, authorise any person or body of persons (hereafter referred to as the "authorised person") to take over the management of the whole or any part of the industrial undertaking or to exercise in respect of the whole or any part of the undertaking such functions of control as may be specified in the order.

(2) The provisions of sub-section (2) of section 18A shall, as far as may be, apply to a notified order made under sub-section (1) as they apply to a notified order made under sub-section (1) of section 18A.

(3) Nothing contained in sub-section (1) and sub-section (2) shall apply to an industrial undertaking owned by a company which is being wound up by or under the supervision of the Court.

(4) Where any notified order has been made under sub-section (1), the person or body of persons having, for the time being, charge of the management or control of the industrial undertaking, whether by or under the orders of any court or any contract, instrument or otherwise, shall, notwithstanding anything contained in such order, contract, instrument or other arrangement, forthwith make over the charge of management or control as the case may be, of the industrial undertaking to the authorised person.

(5) The provisions of sections 18B to 18E (both inclusive) shall, as far as may be, apply to, or in relation to, the industrial undertaking, in respect of which a notified order has been made under sub-section (1), as they apply to an industrial undertaking in relation to which a notified order has been issued under section 18A.

6. *Insertion of new Chapters IIIA, IIIB and IIIC.*—After Chapter IIIA of the principal Act, the following Chapters shall be inserted, namely:—

CHAPTER IIIA

MANAGEMENT OR CONTROL OF INDUSTRIAL UNDERTAKINGS OWNED BY COMPANIES IN LIQUIDATION

18A. *Power of Central Government to authorise, with the permission of the High Court, persons to take over management or control of industrial undertakings.*—(1) If the Central Government is of opinion that there are possibilities of running or re-starting an industrial undertaking, in relation to which an investigation has been made under section 15A, and that such industrial undertaking should be run or re-started, as the case may be, for maintaining or increasing the production, supply or distribution of articles or class of articles relatable to the Scheduled industry, needed by the general public, that Government may make an application to the High Court praying for permission to appoint any person or body of persons to take over the management of the industrial undertaking or to exercise of the whole or any part of the industrial undertaking such functions of control as may be specified in the application.

(2) Where an application is made under sub-section (1), the High Court shall make an order empowering the Central Government to authorise any person or body or persons (hereinafter referred to as the "authorised persons") to take over the management of the industrial undertaking or to exercise functions of control in relation to the whole or any part of the industrial undertaking (hereinafter referred to as the "concerned part") for a period not exceeding five years:

Provided that if the Central Government is of opinion that it is expedient in the interests of the general public that the authorised person should continue to manage the industrial undertaking, or continue to exercise functions of control in relation to the concerned part, as the case may be, after the expiry of the period of five years aforesaid, it may make an application to the High Court for the continuance of such management or functions of control, for such period, not exceeding two years at a time, as may be specified in the application and thereupon the High Court may make an order permitting the authorised person to continue to manage the industrial undertaking or to exercise functions of control in relation to the concerned part:

Provided further that the total period of such continuance (after the expiry of the initial period of five years) shall not, in any case, be permitted to exceed ten years.

(3) Where an order has been made by the High Court under sub-section (2), the High Court shall direct the Official Liquidator or any other person having, for the time being, charge of the management or control of the industrial undertaking, whether by or under the orders of any court, or any contract or instrument or otherwise, to make over the management of such undertaking or the concerned part, as the case may be, to the authorised person and thereupon the authorised person shall be deemed to be the Official Liquidator in respect of the industrial undertaking or the concerned part, as the case may be.

(4) Before making over the possession of the industrial undertaking or the concerned part to the authorised person, the Official Liquidator shall make a complete inventory of all the assets and liabilities of the industrial undertaking or the concerned part, as the case may be, in the manner specified in section 18FG and deliver a copy of such inventory to the authorised person, who shall, after verifying the correctness thereof, sign on the duplicate copy thereof as evidence of the receipt of the inventory by him.

(5) On taking over the management of the industrial undertaking, or on the commencement of the exercise of functions of control in relation to the concerned part, the authorised person shall take immediate steps to so run the industrial undertaking or the concerned part as to ensure the maintenance of production.

(6) The authorised person may, on such terms and conditions and subject to such limitations or restrictions as may be prescribed, raise any loan for the purpose of running the industrial undertaking or the concerned part, and may, for that purpose, create a floating charge on the current assets of the industrial undertaking or the concerned part, as the case may be.

(7) Where the authorised person is of opinion that the replacement or repair of any machinery of the industrial undertaking or the concerned part is necessary for the purpose of efficient running of the industrial undertaking or such part, he shall, on such terms and conditions and

subject to such limitations or restrictions as may be prescribed, make such replacement or repair, as the case may be.

(8) The loan obtained by the authorised person shall be recovered from the assets of the industrial undertaking or the concerned part, in such manner and subject to such conditions as may be prescribed.

(9) For the purpose of running the industrial undertaking, or exercising functions of control in relation to the concerned part, the authorised person may employ such of the former employees of the industrial undertaking whose services became discharged by reason of the winding up of the company owning such undertaking and every such person employed by the authorised person shall be deemed to have entered into a fresh contract of service with the company.

(10) The proceedings in the winding up of the company in so far as they relate to—

(a) the industrial undertaking, the management of which has been taken over by the authorised person under this section, or

(b) the concerned part in relation to which any function of control is exercised by the authorised person under this section, shall, during the period of such management or control, remain stayed, and, in computing the period of limitation for the enforcement of any right, privilege, obligation or liability in relation to such undertaking or the concerned part, the period during which such proceedings remained stayed shall be excluded.

CHAPTER IIIAB

POWER TO PROVIDE RELIEF TO CERTAIN INDUSTRIAL UNDERTAKINGS

18FB. *Power of Central Government to make certain declarations in relation to industrial undertakings, the management or control of which has been taken over under section 18A, section 18AA or section 18FA.*—The Central Government may, if it is satisfied, in relation to an industrial undertaking or any part thereof, the management or control of which has been taken over under section 18A, whether before or after the commencement of the Industries (Development and Regulation) Amendment Act, 1971, or under section 18AA or section 18FA, that it is necessary so to do in the interests of the general public with a view to preventing fall in the volume of production of any scheduled industry, it may, by notified order, declare that—

(a) all or any of the enactments specified in the Third Schedule shall not apply or shall apply with such adaptations whether by way of modification, addition or omission (which does not, however, affect the policy of the said enactments) to such industrial undertaking, as may be specified in such notified order, or

(b) the operation of all or any of the contracts, assurances of property, agreements, settlements, awards, standing orders or other instruments in force (to which such industrial undertaking or the company owning such undertaking is a party or which may be applicable to such industrial undertaking or company immediately before the date of issue of such notified order shall remain suspended or that all or any of the rights, privileges, obligations and liabilities accruing or arising thereunder before the said date, shall remain suspended

or shall be enforceable with such adaptations and in such manner as may be specified in the notified order.

(2) The notified order made under sub-section (1) shall remain in force, in the first instance, for a period of one year, but the duration of such notified order may be extended from time to time by a further notified order by a period not exceeding one year at a time:

Provided that no such notified order shall, in any case, remain in force—

(a) after the expiry of the period for which the management of the industrial undertaking was taken over under section 18A, section 18AA or section 18FA, or

(b) for more than five years in the aggregate from the date of issue of the first notified order, whichever is earlier.

(3) Any notified order made under sub-section (1) shall have effect notwithstanding anything to the contrary contained in any other law, agreement or instrument or any decree or order of a court, tribunal, officer or other authority or of any submission, settlement or standing order.

(4) Any remedy for the enforcement of any right, privilege, obligation or liability referred to in clause (b) of sub-section (1) and suspended or modified by a notified order made under that sub-section shall, in accordance with the terms of the notified order, remain suspended or modified, and all proceedings relating thereto pending before any court, tribunal, officer or other authority shall accordingly remain stayed or be continued subject to such adaptations, so, however, that on the notified order ceasing to have effect—

(a) any right, privilege, obligation or liability so remaining suspended or modified shall become revived and enforceable as if the notified order had never been made;

(b) any proceeding so remaining stayed shall be proceeded with, subject to the provisions of any law which may then be in force, from the stage which had been reached when the proceedings became stayed.

(5) In computing the period of limitation for the enforcement of any right, privilege, obligation or liability referred to in clause (b) of sub-section (1), the period during which it or the remedy for the enforcement thereof remained suspended shall be excluded.

CHAPTER IIIAC

LIQUIDATION OR RECONSTRUCTION OF COMPANIES

18FC. *Power of Central Government to call for report on the affairs and working of managed company.*—Where the management or control of an industrial undertaking has been taken over under section 18A, whether before or after the commencement of the Industries (Development and Regulation) Amendment Act, 1971, or under section 18AA or section 18FA, the Central Government may, at any time during the continuance of such management or control call for a report from the authorised person on the affairs and working of the industrial undertaking and in submitting the report the authorised person shall take into account the inventory and the lists of members and creditors prepared under section 18FG.

18FD. *Decision of Central Government in relation to managed company.*—(1) If, on receipt of the report submitted by the authorised person, the Central Government is satisfied,—

(a) in relation to the company owning the industrial undertaking, which is not being wound up by the High Court, that the financial condition and other circumstances of the company are such that it is not in a position to meet its current liabilities out of its current assets, that Government may, if it considers necessary or expedient in the interests of the general public so to do, by order, decide that the industrial undertaking should be sold as a running concern as provided in section 18FE and proceedings should simultaneously be started for the winding up, by the High Court, of the company;

(b) in relation to the company, owning the industrial undertaking, which is being wound up by the High Court, that its assets and liabilities are such that in the interests of its creditors and contributors the industrial undertaking should be sold as a running concern as provided in section 18FE, it may, by order, decide accordingly.

(2) Notwithstanding anything contained in sub-section (1), if, on receipt of the report submitted by the authorised person, the Central Government is satisfied that

- (a) in the interests of the general public, or
- (b) in the interests of the shareholders, or
- (c) to secure the proper management of the company owning the industrial undertaking,

it is necessary so to do, that Government may, by order, decide to prepare a scheme for the reconstruction of the company owning the industrial undertaking:

Provided that no such scheme shall be prepared in relation to a company which is being wound up by or under the supervision of the High Court, except with the previous permission of that Court.

(3) The powers exercisable by the Central Government under section 18F, in relation to an undertaking taken over under section 18A, shall also be exercisable in relation to an undertaking taken over under section 18AA or section 18FA, but such powers shall not be exercised after the making of an order under sub-section (1) or, as the case may be, under sub-section (2) of this section.

18FE. *Provisions where Government decides to follow the course of action specified in section 18FD (1).*—(1) The provisions hereinafter laid down shall apply where the Central Government decides that the course of action specified in sub-section (1) of section 18FD should be followed, namely:—

- (a) the decision of the Central Government that the course of action specified in clause (a) of sub-section (1) of section 18FD should be followed in relation to a company owning an industrial undertaking shall be deemed to be a ground specified in section 433 of the Companies Act, 1956 (1 of 1956), on which the company may be wound up by the High Court;
- (b) the authorised person shall, as soon as may be, after the decision specified in clause (a) of sub-section (1) of section 18FD has been taken by the Central Government, present an application to the High Court for the winding up of the company owning the industrial undertaking;

(c) when an application is made by the authorised person, under clause (b), for the winding up, by the High Court, of the company owning the industrial undertaking, the High Court shall order the winding up of the company and shall, notwithstanding anything contained in the Companies Act, 1956 (1 of 1956), appoint the authorised person as the Official Liquidator in relation to such undertaking;

(d) whenever the Central Government decides under clause (b) of sub-section (1) of section 18FD that the industrial undertaking should be sold as a running concern, it shall cause a copy of its decision to be laid before the High Court;

(e) until the industrial undertaking referred to in clause (a) or clause (b) of sub-section (1) of section 18FD is sold or purchased in pursuance of this section, the authorised person shall continue to function as the Official Liquidator in relation to the said undertaking in the winding up proceedings of the company, and, thereafter the Official Liquidator appointed by the Central Government under section 448 of the Companies Act, 1956 (1 of 1956), shall take over and function as the Official Liquidator in the said proceedings.

(2) The authorised person shall make a report to the Central Government as to what should be the reserve price for the sale of the industrial undertaking as a running concern.

(3) In making a report under sub-section (2) the authorised person shall have regard to—

(a) the financial condition of the company owning the industrial undertaking on the date on which the order under section 18FD is made—

- (i) as disclosed in its books of account,
- (ii) as disclosed in its balance-sheet and profit and loss account during a period of five years immediately preceding the said date;

(b) the condition and nature of the plant, machinery, instruments and other equipment from the point of view of their suitability for profitable use in the running of the industrial undertaking;

(c) the total amount of liability on account of secured and unsecured debts including overdrafts, if any, drawn on banks, liabilities on account of terminal benefits to the employees and other borrowings and other liabilities of the company; and

(d) other relevant factors including the factor that the industrial undertaking will be sold free from all incumbrances.

(4) Notice of the reserve price determined by the authorised person shall be given in such manner as may be prescribed to the members and creditors of the company owning such industrial undertaking to make representations within a specified time to the Central Government through the authorised person and the Central Government shall, after considering the representations received and the report of the authorised person, determine the reserve price.

(5) The authorised person shall thereafter, with the permission of the High Court, invite tenders from the public in such manner as may be determined by the High Court for the sale of the industrial undertaking as running concern subject to the condition that it will be sold to the person offering the highest price which shall not be less than the reserve price determined under sub-section (4):

Provided that the High Court shall not refuse to grant such permission if it is satisfied that the company is not in a position to meet its current liabilities out of its current assets.

(6) The industrial undertaking shall be sold to, the highest bidder, as a running concern, only if the price offered by him therefor is not less than the reserve price.

(7) Where no offer of price is equal to, or more than, the reserve price, the industrial undertaking shall be purchased by the Central Government at the reserve price.

(8) (a) The amount realised from the sale of the industrial undertaking as a running concern together with any other sum which may be realised from any contributory, purchaser or any other person from whom any money is due to the company shall be utilised in accordance with the provisions of the Companies Act, 1956 (1 of 1956), in discharging the liabilities of the company and distributing the balance, if any, amongst the members of the company.

(b) In other respects, the provisions of the Companies Act, 1956 (1 of 1956), relating to the winding up of a company by the High Court shall, as far as may be, apply.

(9) When an industrial undertaking is sold to any person under sub-section (6), or purchased by the Central Government under sub-section (7), there shall be transferred to and vested in the purchaser, free from all incumbrances, all such assets relating to the industrial undertaking as are referred to in sub-clause (i) of clause (a) of section 18FG and existing at the time of the sale or purchase.

18FF. *Provisions where Government decides to follow the course of action specified in section 18FD (2).*—(1) Where in any case the Central Government decides that the course of action specified in sub-section (2) of section 18FD should be followed, it shall, subject to the provisions of that sub-section, cause to be prepared, by the authorised person, a scheme for the reconstruction of the company, owning the industrial undertaking, in accordance with the provisions hereinafter contained and the authorised person shall submit the same for the approval of that Government.

(2) The scheme for the reconstruction of the company owning the industrial undertaking may contain provisions for all or any of the following matters, namely:—

(a) the constitution, name and registered office, the capital, assets, powers, rights, interests, authorities and privileges, the liabilities, duties and obligations of the company on its reconstruction;

(b) any change in the Board of directors, or the appointment of a new Board of directors of the company on its reconstruction and the authority by whom the manner in which and the other terms and conditions on which, such change or appointment shall be made and in the case of appointment of a new Board of directors or of any director, the period for which such appointment shall be made;

(c) the vesting of controlling interest, in the reconstructed company, in the Central Government either by the appointment of additional directors or by the allotment of additional shares;

(d) the alteration of the memorandum and articles of association of the company, on its reconstruction to give effect to such reconstruction;

(e) subject to the provisions of the scheme, the continuation by or against the company, on its reconstruction, of any action or proceedings pending against the company immediately before the date of its reconstruction;

(f) the reduction of the interest or rights which the members and creditors have in or against the company before its reconstruction to such extent as the Central Government may consider necessary in the interests of the general public or in the interests of the members and creditors or for the maintenance of the business of the company:

Provided that nothing contained in this clause shall be deemed to authorise the reduction of the interest or rights of any creditor (including Government) in respect of any loan or advance made by that creditor to the company after the date on which the management of the industrial undertaking of the company has been taken over under section 18A, section 18AA, or section 18FA.

(g) the payment in cash or otherwise to the creditors in full satisfaction of their claim—

(i) in respect of their interest or rights in or against the company before its reconstruction; or

(ii) where their interest or rights in or against the company has or have been reduced under clause (f), in respect of such interest, or rights as so reduced;

(h) the allotment to the members of the company for shares held by them therein before its reconstruction (whether their interest in such shares has been reduced under clause (f) or not), of shares in the company on its reconstruction and where its is not possible to allot shares to any members, the payment in cash to those members in full satisfaction of their claim—

(1) in respect of their interest in shares in the company before its reconstruction; or

(2) where such interest has been reduced under clause (f), in respect of their interest in shares as so reduced;

(i) the offer by the Central Government to acquire by negotiations with the members of the company their respective shares on payment in cash to those members who may volunteer to sell their shares to the Central Government in full satisfaction of their claim—

(1) in respect of their interest in shares in the company before its reconstruction; or

(2) where such interest has been reduced under clause (f), in respect of their interest in shares as so reduced;

(j) the conversion of any debentures issued by the company after the taking over of the management of the company under section 18A or section 18AA or section 18FA or of any loans obtained by the company after that date or of any part of such debentures or loans, into shares in the company and the allotment of those shares to such debenture-holders or creditors, as the case may be;

(k) the increase of the capital of the company by the issue of new shares and the allotment of such new shares to the Central Government;

- (l) the continuance of the services of such of the employees of the company as the Central Government may specify in the scheme in the company itself, on its reconstruction, on such terms and conditions as the Central Government thinks fit;
- (m) notwithstanding anything contained in clause (l), where any employees of the company whose services have been continued under clause (l) have, by notice in writing given to the company at any time before the expiry of one month next following the date on which the scheme is sanctioned by the High Court, intimated their intention of not becoming employees of the company, on its reconstruction, the payment to such employees and to other employees whose services have not been continued on the reconstruction of the company of compensation, if any, to which they are entitled under the Industrial Disputes Act, 1947 (14 of 1947), and such pension, gratuity, provident fund and other retirement benefits ordinarily admissible to them under the rules or authorisations of the company immediately before the date of its reconstruction;
- (n) any other terms and conditions for the reconstruction of the company;
- (o) such incidental, consequential and supplemental matters as are necessary to secure that the reconstruction of the company shall be fully and effectively carried out.
- (3) (a) A copy of the scheme, as approved by the Central Government, shall be sent in draft to the company, to the registered trade unions, if any, of which the employees of the company are members and to the creditors thereof for suggestions and objections, if any, within such period as the Central Government may specify for this purpose.
- (b) The Central Government may make such modifications, if any, in the draft scheme as it may consider necessary in the light of the suggestions and objections received from the company, from the registered trade unions of which the employees of the company are members and from any members or creditors of the company.
- (4) The scheme shall thereafter be placed before the High Court for its sanction and the High Court, if satisfied that the scheme is in the interests of the general public or in the interests of the shareholders or for securing the proper management of the company and that the scheme is designed to be fair and reasonable to the members and creditors of the company may, after giving a reasonable opportunity to the company and to its members and creditors of showing cause, sanction the scheme without any modification or with such modifications as it may consider necessary.
- (5) The scheme, as so sanctioned by the High Court, shall come into force on such date as that Court may specify in this behalf:
- Provided that different dates may be specified for different provisions of the scheme.
- (6) The sanction accorded by the High Court under sub-section (4) shall be conclusive evidence that all the requirements of this section relating to the reconstruction of the company have been complied with, and a copy of the sanctioned scheme certified by the High Court to be a true copy thereof, shall, in all legal proceedings (whether original or in appeal or otherwise), be admitted as evidence to the same extent as the original scheme.

(7) On and from the date of the coming into operation of the scheme or any provision thereof, the scheme or such provision shall be binding on the company and also on all the members and other creditors and employees of the company and on any other person having any right or liability in relation to the company.

(8) On the coming into operation of the scheme or any provision thereof, the authorised person shall cease to function, and the management of the reconstructed company shall be assumed by the Board of directors as provided in the scheme.

(9) Copies of the scheme shall be laid before each House of Parliament, as soon as may be, after the scheme has been sanctioned by the Court.

(10) The provisions of this section and of any scheme made thereunder shall have effect notwithstanding anything contained in sections 391 to 394A (both inclusive) of the Companies Act, 1956 (1 of 1956).

18FG. Preparation of inventory of assets and liabilities and list of members and creditors of managed company.—For the purposes of this Act, the authorised person shall, as soon as may be, after taking over the management of the industrial undertaking of a company under section 18A or section 18AA or section 18FA,—

(a) prepare a complete inventory of—

(i) all properties, movable and immovable, including lands, buildings, works, workshops, stores, instruments, plant, machinery, automobiles and other vehicles, stocks of materials in the course of production, storage or transit, raw materials, cash balances, cash in hand, deposits in bank or with any other person or body or on loan, reserve funds, investments and book debts and all other rights and interests arising out of such property as were immediately before the date of taking over of the industrial undertaking in the ownership, possession, power or control of the company, whether within or without India; and all books of account, registers, maps, plans, sections, drawings, records, documents or titles of ownership of property, and all other documents of whatever nature relating thereto; and

(ii) all borrowings, liabilities and obligations of whatever kind of the company including liability on account of terminal benefits to its employees subsisting immediately before the said date;

(b) prepare separately a list of members, and a list of creditors, of such company as on the date of taking over of the management of the industrial undertaking showing separately in the list of creditors, the secured creditors and the unsecured creditors:

Provided that where the management of the industrial undertaking of a company has been taken over under the said section 18A before the commencement of the Industries (Development and Regulation) Amendment Act, 1971, the aforesaid functions shall be performed by the authorised person within six months from such commencement.

18FH. Stay of suits and other proceedings.—In the case of a company in respect of which an order under

section 18FD has been made, no suit or other legal proceeding shall be instituted or continued against the company except with the previous permission of the Central Government or any officer or authority authorised by that Government in this behalf.

7. *Amendment of section 25.*—In sub-section (1) of section 25 of the principal Act, for the word, figures and letter "and 18A", the word, figures and letters "18A, 18AA and 18FA" shall be substituted.

8. *Insertion of new section 29D.*—After section 29C of the principal Act, the following section shall be inserted, namely:—

"29D. *Debts incurred by the authorised person to have priority.*—Every debt arising out of any loan obtained by the authorised person for carrying on the management of, or exercising functions of control in relation to, an industrial undertaking or part thereof, the management of which has been taken over under section 18A or section 18AA or section 18FA,—

(a) shall have priority over all other debts, whether secured or unsecured, incurred before the management of such industrial undertaking was taken over;

(b) shall be a preferential debt within the meaning of section 530 of the Companies Act, 1956 (1 of 1956),

and such debts shall rank equally among themselves and be paid in full out of the assets of the industrial undertaking unless such assets are insufficient to meet them, in which case they shall abate in equal proportions."

9. *Amendment of section 30.*—In section 30 of the principal Act, in sub-section (2), after clause (p), the following clause shall be inserted, namely:—

"(pp) any matter which is to be or may be prescribed for giving effect to the provisions of Chapter IIIAA or Chapter IIIAC;"

10. *Insertion of new Schedule.*—In the principal Act after the Second Schedule, the following Schedule shall be inserted, namely:—

"THE THIRD SCHEDULE

(See section 18FB)

1. The Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).

2. The Industrial Disputes Act, 1947 (14 of 1947).

3. The Minimum Wages Act, 1948 (11 of 1948)."

11. *Repeal and savings.*—(1) The Industries (Development and Regulation) Amendment Ordinance, 1971 (Ord. 20 of 1971), and the Cotton Textile Companies (Management of Undertakings and Liquidation or Reconstruction) Act, 1967 (29 of 1967) are hereby repealed.

(2) Notwithstanding such repeal,—

(a) anything done or any action taken under the principal Act as amended by the Ordinance so repealed, shall have effect as if it were done or taken under the corresponding provisions of the principal Act as amended by this Act;

(b) anything done or any action taken or any order, rule or appointment made, scheme prepared or reserve price fixed under the Cotton Textile

Companies (Management of Undertakings and Liquidation or Reconstruction) Act, 1967 (29 of 1967), before the commencement of the Ordinance so repealed shall, in so far as it is not inconsistent with the provisions of the Industries (Development and Regulation) Act, 1951 (65 of 1951), as amended by this Act, be deemed to have been done, taken, made, prepared or fixed under the corresponding provisions of the Industries (Development and Regulation) Act, 1951, as so amended, as if the said Act, as so amended, were in force on the date on which such thing was done, action was taken, order, rule or appointment was made, scheme was prepared and reserve price was fixed and any proceeding commenced under the Cotton Textile Companies (Management of Undertakings and Liquidation or Reconstruction) Act, 1967, which was pending immediately before the commencement of the Ordinance so repealed may be continued from the stage which was reached in such proceeding immediately before such commencement as if such proceeding were commenced under the corresponding provisions of the Industries (Development and Regulation) Act, 1951, as amended by this Act.

Assented to on 25-12-1971.

THE PERSONAL INJURIES (EMERGENCY PROVISIONS) AMENDMENT ACT, 1971

(ACT No 74 of 1971)

[AN

ACT

to amend the Personal Injuries (Emergency Provisions) Act, 1962.

Enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Personal Injuries (Emergency Provisions) Amendment Act, 1971.

2. *Amendment of section 2.*—In section 2 of the Personal Injuries (Emergency Provisions) Act, 1962 (59 of 1962) (hereinafter referred to as the principal Act), for clause (5), the following clause shall be substituted, namely:—

"(5) "period of emergency" means, in relation to the Proclamation of Emergency issued under clause (1) of article 352 of the Constitution,—

(i) on the 26th day of October, 1962, the period beginning with the 26th day of October, 1962, and ending with the 10th day of January, 1968, that is to say, the date on which the said Emergency was declared, by notification of the Government of India in the Ministry of Home Affairs, No. G.S.R. 93, dated the 10th January, 1968, to have come to an end;

(ii) on the 3rd day of December, 1971, the period beginning with the 3rd day of December, 1971, and ending with such date as the Central Government may, by notification in the Official Gazette, declare to be the date on which the emergency shall come to an end;"

3. *Amendment of section 3.*—In section 3 of the principal Act, to sub-section (1), the following proviso shall be added, namely:—

"Provided that different Schemes may be made in relation to different periods of emergency."

Assented to on 30-12-1971.

THE SUPREME COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT ACT, 1971
(ACT No. 77 of 1971)

AN
ACT

to amend the Supreme Court Judges (Conditions of Service) Act, 1958.

BE it enacted by Parliament in the Twenty-second year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Supreme Court Judges (Conditions of Service) Amendment Act, 1971.

(2) Section 3 shall be deemed to have come into force on the 1st day of May, 1958, clauses (a) and (b) of section 4 shall be deemed to have come into force on the 17th day of October, 1958 and the other provisions of this Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 3.*—In section 3 of the Supreme Court Judges (Conditions of Service) Act, 1958 (41 of 1958) (hereinafter referred to as the principal Act), in sub-section (1), for clause (a), the following clause shall be substituted, namely:—

“(a) leave on full allowances (including commuted leave on half allowances into leave on full allowances on medical certificate); or”.

3. *Amendment of section 4.*—In clause (a) of sub-section (2) of section 4 of the principal Act,—

(a) in sub-clause (i), the word “and”, occurring at the end, shall be omitted;

(b) after sub-clause (ii), the following sub-clause shall be inserted, namely:—

“(iii) where the Judge was, prior to his appointment as such, a Judge of a High Court, the period of leave earned by him as a Judge of the High Court, so, however, that such period shall not exceed four months in terms of leave on half allowances; and”.

4. *Amendment of section 5.*—In section 5 of the principal Act,—

(a) in sub-section (1), after the words “three years”, the brackets, words, figures and letter “[including the period credited to his leave account under sub-section (2) (a) (iii) of section 4 as leave earned by him as a Judge of a High Court]” shall be inserted;

(b) in sub-section (2) for the words, brackets, figures and letter “credited to his leave account under sub-section (2) (a) (ii) of section 4 as compensation for vacation not enjoyed”, the following shall be substituted, namely:—
credited to his leave account—

(a) under sub-section (2) (a) (ii) of section 4 as compensation for vacation not enjoyed, and

(b) under sub-section (2) (a) (iii) of section 4 as leave earned by him as a Judge of a High Court.”;

(c) in sub-section (3), for the words “The maximum period of leave which may be granted”, the words, brackets, figures and letter “Subject to the provisions of sub-section (2) of section 5A, the maximum period of leave which may be granted” shall be substituted.

4. *Removal of doubts.*—For the avoidance of doubts, it is hereby declared that every Scheme made under the Personal Injuries (Emergency Provisions) Act, 1962 (59 of 1962), providing for relief in respect of personal injuries or personal service injuries sustained during the period of emergency beginning with the 26th day of October, 1962, and ending with the 10th day of January, 1968, shall continue to be in force and every person entitled to relief under the said Scheme shall continue to receive such relief in accordance with the provisions of such Scheme.

Assented to on 25-12-1971.

THE PERSONAL INJURIES (COMPENSATION INSURANCE) AMENDMENT ACT, 1971

(ACT No. 75 of 1971)

AN
ACT

furthor to amend the Personal Injuries (Compensation Insurance) Act, 1963.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. *Short title.* This Act may be called the Personal Injuries (Compensation Insurance) Amendment Act, 1971.

2. *Amendment of section 2.*—In section 2 of the Personal Injuries (Compensation Insurance) Act, 1963 (37 of 1963) (hereinafter referred to as the principal Act), for clause (f), the following clause shall be substituted, namely:—

“(f) “period of emergency” means, in relation to the Proclamation of Emergency issued under clause (1) of article 352 of the Constitution,—

(i) on the 26th day of October, 1962 the period beginning with the 26th day of October, 1962, and ending with the 10th day of January, 1968, that is to say, the date on which the said Emergency was declared, by notification of the Government of India in the Ministry of Home Affairs, No. G.S.R. 93, dated the 10th January, 1968, to have come to an end;

(ii) on the 3rd day of December, 1971, the period beginning with the 3rd day of December, 1971 and ending with such date as the Central Government may, by notification in the Official Gazette, declare to be the date on which the said emergency shall come to an end.”.

3. *Amendment of section 3.*—In section 3 of the principal Act, in clause (a), for the words and figures “Defence of India Rules, 1962;”, the words and figures “Defence of India Rules, 1962, or under rule 119 of the Defence of India Rules, 1971;” shall be substituted.

4. *Amendment of section 8.*—In section 8 of the principal Act, to sub-section (1), the following proviso shall be added, namely:—

“Provided that different Schemes shall be put into operation in relation to different periods of emergency.”.

5. *Removal of doubts.*—For the avoidance of doubts, it is hereby declared that every Scheme made under the Personal Injuries (Compensation Insurance) Act, 1963 (37 of 1963), providing for compensation in respect of personal injuries sustained during the period of emergency beginning with the 26th day of October, 1962, and ending with the 10th day of January, 1968, shall continue to be in force and every person entitled to compensation under the said Scheme shall continue to receive such compensation in accordance with the provisions of such Scheme.

5. *Insertion of new section 5A.*—After section 5 of the principal Act, the following section shall be inserted, namely:—

5A. *Commutation of leave on half allowances into leave on full allowances.*—(1) Notwithstanding anything contained in sub-section (2) of section 5, a Judge may be permitted to commute leave on half allowances into leave on full allowances on medical certificate up to a maximum of three months during the whole period of his leave as a Judge.

(2) In computing the maximum period of leave on full allowances which may be granted at one time to a Judge under sub-section (3) of section 5, the amount of commuted leave permitted to him under this section shall not be taken into account."

6. *Amendment of section 9.*—In section 9 of the principal Act, to sub-section (2), the following proviso shall be added, namely:—

"Provided that the monthly rate of leave allowances payable to a Judge in respect of leave credited to his leave account under sub-section (2) (a) (iii) of section 4 shall not exceed the rate of leave allowances admissible to him therefor as a Judge of a High Court and shall be payable by the State Government concerned."

7. *Amendment of section 24.*—In section 24 of the principal Act, for sub-section (3) the following sub-section shall be substituted, namely:—

"(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule of both House agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

Assented to on 30-12-1971.

THE HIGH COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT ACT, 1971

ACT No. 78 OF 1971

AN
ACT

for further to amend the High Court Judges (Conditions of Service) Act, 1954.

Be it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the High Court Judges (Conditions of Service) Amendment Act, 1971.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*—In section 2 of the High Court Judges (Conditions of Service) Act, 1954 (28 of 1954) (hereinafter referred to as the principal Act), in sub-section (1), in sub-clause (ii) of clause (h), for the words "one month", the words "forty-five days" shall be substituted.

3. *Amendment of section 3.*—In section 3 of the principal Act, in sub-section (1), for clause (a), the following clause shall be substituted, namely:—

"(a) leave on full allowances (including commuted leave on half allowances into leave on full allowances on medical certificate); or"

4. *Amendment of section 5.*—In section 5 of the principal Act, in sub-section (3), for the words "The maximum period of leave which may be granted", the words, brackets, figures and letter "Subject to the provisions of sub-section (2) of section 5A, the maximum period of leave which may be granted" shall be substituted.

5. *Insertion of new section 5A.*—After section 5 of the principal Act, the following section shall be inserted, namely:—

5A. *Commutation of leave on half allowances into leave on full allowances.*—(1) Notwithstanding anything contained in sub-section (2) of section 5 a Judge may be permitted to commute leave on half allowances into leave on full allowances on medical certificate up to a maximum of three months during the whole period of his service as a Judge.

(2) In computing the maximum period of leave on full allowances which may be granted at one time to a Judge under sub-section (3) of section 5, the amount of commuted leave permitted to him under this section shall not be taken into account."

6. *Amendment of section 9.*—In section 9 of the principal Act, in sub-section (1), for the words "for the first month of such leave", the words "for the first forty-five days of such leave" shall be substituted.

Assented to on 30-12-1971.

THE COMMISSIONS OF INQUIRY (AMENDMENT) ACT, 1971

ACT No 79 OF 1971

AN
ACT

to amend the Commissions of Inquiry Act, 1952.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Commissions of Inquiry (Amendment) Act, 1971.

2. *Amendment of section 1.*—In section 1 of the Commissions of Inquiry Act, 1952 (hereinafter referred to as the principal Act), for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) It extends to the whole of India:

Provided that it shall apply to the State of Jammu and Kashmir only in so far as it relates to inquiries pertaining to matters relating to any of the entries enumerated in List I or List III in the Seventh Schedule to the Constitution as applicable to that State."

3. *Amendment of section 2.*—In section 2 of the principal Act, to clause (a), the following proviso shall be added, namely:—

"Provided that in relation to the State of Jammu and Kashmir, this clause shall have effect subject to the modification that—

(a) in sub-clause (i) thereof, for the words and figures "List I or List II or List III in the Seventh Schedule to the Constitution", the words

and figures "List I or List III in the Seventh Schedule to the Constitution as applicable to the State of Jammu and Kashmir" shall be substituted;

- (b) in sub-clause (ii) thereof, for the words and figures "List II or List III in the Seventh Schedule to the Constitution"; the words and figures "List III in the Seventh Schedule to the Constitution as applicable to the State of Jammu and Kashmir" shall be substituted."

4. *Insertion of new section 2A.*—After section 2 of the principal Act, the following section shall be inserted, namely:—

"2A. *Construction of references to laws not in force in the State of Jammu and Kashmir.*—Any reference in this Act to a law, which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State."

5. *Amendment of section 3.*—In section 3 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

- "(3) The appropriate Government may, at any stage of an inquiry by the Commission fill any vacancy which may have arisen in the office of a member of the Commission (whether consisting of one or more than one member).

- (4) The appropriate Government shall cause to be laid before the House of the People or, as the case may be, the Legislative Assembly of the State, the report, if any, of the Commission on the inquiry made by the Commission under sub-section (1) together with a memorandum of the action taken thereon, within a period of six months of the submission of the report by the Commission to the appropriate Government."

6. *Amendment of section 4.*—In section 4 of the principal Act, in clause (a), for the words "summoning and enforcing the attendance of any person", the words "summoning and enforcing the attendance of any person from any part of India" shall be substituted.

7. *Amendment of section 5.*—In section 5 of the principal Act, in sub-section (2), the words and figures "and any person so required shall be deemed to be legally bound to furnish such information within the meaning of section 176 and section 177 of the Indian Penal Code (45 of 1860)" shall be inserted at the end.

8. *Insertion of new section 5A.*—After section 5 of the principal Act, the following section shall be inserted, namely:—

"5A. *Power of Commission to utilise the services of certain officers and investigation agencies for conducting investigation pertaining to inquiry.*—

- (1) The Commission may, for the purpose of conducting any investigation pertaining to the inquiry, utilise the services,—

- (a) in the case of a Commission appointed by the Central Government, of any officer or investigation agency of the Central Government or any State Government with the concurrence of the Central Government or the State Government, as the case may be; or

- (b) in the case of a Commission appointed by the State Government, of any officer or investigation agency of the State Government or Central Government with the concurrence of the State Government or the Central Government, as the case may be.

- (2) For the purpose of investigating into any matter pertaining to the inquiry, any officer or agency whose services are utilised under sub-section (1) may, subject to the direction and control of the Commission,—

- (a) summons and enforce the attendance of any person and examine him;

- (b) require the discovery and production of any document; and

- (c) requisition any public record or copy thereof from any office.

- (3) The provisions of section 6 shall apply in relation to any statement made by a person before any officer or agency whose services are utilised under sub-section (1) as they apply in relation to any statement made by a person in the course of giving evidence before the Commission.

- (4) The officer or agency, whose services are utilised under sub-section (1), shall investigate into any matter pertaining to the inquiry and submit a report thereon (hereafter in this section referred to as the investigation report) to the Commission within such period as may be specified by the Commission in this behalf.

- (5) The Commission shall satisfy itself about the correctness of the facts stated and the conclusions, if any, arrived at in the investigation report submitted to it under sub-section (4), and for this purpose the Commission may make such inquiry (including the examination of the person or persons who conducted or assisted in the investigation) as it thinks fit."

9. *Insertion of new section 6A.*—After section 6 of the principal Act, the following section shall be inserted, namely:—

"6A. *Persons not obliged to disclose secret process of manufacture of goods in certain cases.*—Except in cases where a Commission is expressly required to inquire into the process of manufacture of any goods, nothing in this Act shall be deemed to compel any person giving evidence before the Commission to disclose any secret process of manufacture thereof."

10. *Substitution of new section for section 7.*—For section 7 of the principal Act, the following section shall be substituted, namely:—

- "7. *Commission to cease to exist when so notified.*—(1) The appropriate Government may, by notification in the Official Gazette, declare that—

- (a) a Commission (other than a Commission appointed in pursuance of a resolution passed by the House of the People, or, as the case may be, the Legislative Assembly of the State), shall cease to exist, if it is of opinion that the continued existence of the Commission is unnecessary;

- (b) a Commission appointed in pursuance of a resolution passed by the House of the People or, as the case may be, the Legislative Assembly of the State, shall cease to exist if a resolution for the discontinuance of the Commission is passed by the House of the People, or as the case may be, the Legislative Assembly of the State.

- (2) Every notification issued under sub-section (1) shall specify the date from which the Commission shall cease to exist and on the issue of such

notification, the Commission shall cease to exist with effect from the date specified therein."

11. *Amendment of section 8.*—In section 8 of the principal Act, the words "and may act notwithstanding the temporary absence of any member or the existence of a vacancy among its members" shall be omitted.

12. *Insertion of new sections 8A, 8B and 8C.*—After section 8 of the principal Act, the following sections shall be inserted, namely:—

"8A. *Inquiry not to be interrupted by reason of vacancy or change in the constitution of the Commission.*—

(1) Where the Commission consists of two or more members, it may act notwithstanding the absence of the Chairman or any other member or any vacancy among its members.

(2) Where during the course of an inquiry before a Commission, a change has taken place in the constitution of the Commission by reason of any vacancy having been filled or by any other reason, it shall not be necessary for the Commission to commence the inquiry afresh and the inquiry may be continued from the stage at which the change took place.

8B. *Persons likely to be prejudicially affected to be heard.*—If, at any stage of the inquiry, the Commission,—

(a) considers it necessary to inquire into the conduct of any person; or

(b) is of opinion that the reputation of any person is likely to be prejudicially affected by the inquiry,

the Commission shall give to that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence: Provided that nothing in this section shall apply where the credit of a witness is being impeached.

8C. *Right of cross-examination and representation by legal practitioner.*—The appropriate Government, every person referred to in section 8B and, with the permission of the Commission, any other person whose evidence is recorded by the Commission,—

(a) may cross-examine a witness other than a witness produced by it or him;

(b) may address the Commission; and

(c) may be represented before the Commission by a legal practitioner or, with the permission of the Commission, by any other person."

13. *Insertion of new section 10A.*—After section 10 of the principal Act, the following section shall be inserted, namely:—

"10A. *Penalty for acts calculated to bring the Commission or any member thereof into disrepute.*—

(1) If any person, by words either spoken or intended to be read, makes or publishes any statement or does any other act, which is calculated to bring the Commission or any member thereof into disrepute, he shall be punishable with simple imprisonment for a term which may extend to six months, or with fine, or with both.

(2) The provisions of section 198B of the Code of Criminal Procedure, 1898 (5 of 1898) shall apply in relation to an offence under sub-section (1) as they apply in relation to an offence referred to in sub-section (1) of the said section 198B, subject to the modification that no complaint in respect of such offence shall be made by the Public Prosecutor

except with the previous sanction,—

(a) in the case of a Commission, or member of a Commission appointed by the Central Government, of the Central Government; or

(b) in the case of a Commission, or member of a Commission appointed by the State Government, of the State Government."

14. *Amendment of section 12.*—In section 12 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each house of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

15. *Principal Act as amended to come into force in Jammu and Kashmir and in certain districts in Nagaland.*—The principal Act, as amended by this Act, shall come into force in the State of Jammu and Kashmir and in the districts of Kohima and Mokokchung in the State of Nagaland on such date as the Central Government may, by notification in the Official Gazette, appoint.

Assented to on 30-12-1971.

THE COMPANIES (AMENDMENT) ACT, 1971 ACT NO. 80 OF 1971

AN
ACT

further to amend the Companies Act, 1956.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Companies (Amendment) Act, 1971.

(2) It shall be deemed to have come into force on the 3rd day of December, 1971.

2. *Insertion of new section 293B.*—In the Companies Act, 1956 (1 of 1956), after section 293A, the following section shall be inserted, namely:—

"293B. *Power of Board and other persons to make contributions to the National Defence Fund, etc.*—

(1) The Board of directors of any company or any person or authority exercising the powers of the Board of directors of a company, or of the company in general meeting, may, notwithstanding anything contained in sections 293 and 293A or any other provision of this Act or in the memorandum, articles or any other instrument relating to the company, contribute such amount as it thinks fit to the National Defence Fund or any other Fund approved by the Central Government for the purpose of National Defence.

(2) Every company shall disclose in its profits and loss account, the total amount or amounts contributed by it to the Fund referred to in sub-section (1) during the financial year to which the amount relates."

Assented to on 30-12-1971.

THE CONSTITUTION (TWENTY-SEVENTH AMENDMENT) ACT, 1971

ACT No. of 1971

AN
ACT

further to amend the Constitution of India.

Be it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Constitution (Twenty-seventh Amendment) Act, 1971.

(2) This section and section 3 shall come into force at once and the remaining provisions of this Act shall come into force on such date, being a date not earlier than the day appointed under clause (b) of section 2 of the North-Eastern Areas (Reorganisation) Act, 1971, as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of article 239A.*—In article 239A of the Constitution, in clause (1), for the words “Goa, Daman and Diu, and Pondicherry”, the words “Goa, Daman and Diu, Pondicherry and Mizoram” shall be substituted.

3. *Insertion of new article 239B.*—After article 239A of the Constitution, the following article shall be inserted namely:—

“239B. *Power of administrator to promulgate Ordinances during recess of Legislature.*—(1) at any time, except when the Legislature of a Union territory referred to in clause (1) of article 239A is in session, the administrator thereof is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require:

Provided that no such Ordinance shall be promulgated by the administrator except after obtaining instructions from the President in that behalf:

Provided further that whenever the said Legislature is dissolved, or its functioning remains suspended on account of any action taken under any such law as is referred to in clause (1) of article 239A, the administrator shall not promulgate any Ordinance during the period of such dissolution or suspension.

(2) An Ordinance promulgated under this article in pursuance of instructions from the President shall be deemed to be an Act of the Legislature of the Union territory which has been duly enacted after complying with the provisions in that behalf contained in any such law as is referred to in clause (1) of article 239A, but every such Ordinance—

(a) shall be laid before the Legislature of the Union territory and shall cease to operate at the expiration of six weeks from the reassembly of the Legislature or if, before the expiration of that period, resolution disapproving it is passed by the Legislature, upon the passing of the resolution; and

(b) may be withdrawn at any time by the administrator after obtaining instructions from the President in that behalf.

(3) If and so far as an Ordinance under this article makes any provision which would not be valid if enacted in an Act of the Legislature of the Union territory made after complying with the provisions in that behalf contained in any such law as is referred to in clause (1) of article 239A, it shall be void.”

4. *Amendment of article 240.*—In article 240 of the Constitution,—

(a) in clause (1),—

(i) after entry (e), the following entries shall be inserted, namely:—

“(f) Mizoram;

(g) Arunachal Pradesh.”;

(ii) in the proviso, for the words “Union territory of Goa, Daman and Diu or Pondicherry”, the words “Union territory of Goa, Daman and Diu, Pondicherry or Mizoram” shall be substituted;

(iii) after the proviso as so amended, the following further proviso shall be inserted, namely:—

“Provided further that whenever the body functioning as a Legislature for the Union territory of Goa, Daman and Diu, Pondicherry or Mizoram is dissolved, or the functioning of that body as such Legislature remains suspended on account of any action taken under any such law as is referred to in clause (1) of article 239A, the President may, during the period of such dissolution or suspension, make regulations for the peace, progress and good government of that Union territory.”;

(b) in clause (2), for the words “any existing law”, the words “any other law” shall be substituted.

5. *Insertion of new article 371C.*—After article 371B of the Constitution, the following article shall be inserted, namely:—

“371C. *Special provision with respect to the State of Manipur.*—(1) Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Manipur, provide for the constitution and functions of a committee of the Legislative Assembly of the State consisting of members of that Assembly elected from the Hill Areas of that State, for the modifications to be made in the rules of business of the Government and in the rules of procedure of the Legislative Assembly of the State and for any special responsibility of the Governor in order to secure the proper functioning of such committee.

(2) The Governor shall annually, or whenever so required by the President, make a report to the President regarding the administration of the Hill Areas in the State of Manipur and the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said areas.

Explanation.—In this article, the expression “Hill Areas” means such areas as the President may, by order, declare to be Hill Areas.”

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

ELECTION DEPARTMENT
NOTIFICATION

Simla-2, the 31st January, 1975

No. 3-23/73-Elec.—The Election Commission of India's

notification No. 82/3 of 1972/HP-LA/72, dated the 14th January, 1975, containing the Judgment dated the 3rd December, 1974 of the Supreme Court of India in Civil Appeal No. 1117 (NCE) of 1973 against the

Judgment dated 15th May, 1973 of the High Court of Himachal Pradesh in Election Petition No. 3 of 1972, is hereby published for general information.

By order,
K. C. PANDEYA,
Chief Electoral Officer.

ELECTION COMMISSION OF INDIA

NOTIFICATION

Ashoka Road,
New Delhi-1, the 14th January, 1975/24 Pausa, 1896 (Saka)

No. 82/3 of 1972/HP-LA/72.—In pursuance of clause (b) of sub-section (2) of section 116C of the Representation of the People Act, 1951, the Election Commission hereby publishes the Judgment dated the 3 December, 1974, of the Supreme Court of India in Civil Appeal No. 1117 (NCE) of 1973 filed by Shri Beli Ram Bhalaik against the Judgment dated 15th May, 1973 of the High Court of Himachal Pradesh, Simla, in Election Petition No. 3 of 1972.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 1117 of 1973

Beli Ram Bhalaik

Appellant.

Jai Behari Lal Khachi
and another

Respondents.

JUDGMENT

SARKARIA J.

Election to the Himachal Pradesh Legislative Assembly from 6—Kumarsain Assembly Constituency was held according to the undermentioned calendar:—

1. Notification calling the election	1-2-1972
2. Last date for filing nomination papers	8-2-1972
3. Date of Poll	5-3-1972
4. Counting of votes and declaration of result	12-3-1972.

Jai Behari Lal Khachi, Beli Ram Bhalaik and Kishori Lal as rival candidates contested the election from the aforesaid constituency. The result of the poll was as below:

Total Votes polled	—	15050
Invalid votes	—	372
Jai Behari Lal Khachi	—	7336
Beli Ram Bhalaik	—	7218
Kishori Lal	—	124

Khachi was declared elected defeating Bhalaik by a margin of 118 votes.

Bhalaik filed a petition under the Representation of the People Act, 1951 (hereinafter called the Act) calling in question the election of Khachi on the ground that the latter had committed several corrupt practices pleaded in the petition. The petitioner also alleged the commission of some irregularities and illegalities in the counting of votes and on that basis prayed that a recount be ordered. In the event of election of Khachi being

set aside, the petitioner prayed for a further declaration that he had been duly elected.

The learned Judge of the High Court found all the issues against the petitioner and dismissed the petition. Hence this appeal.

Allegations, more or less of a general character, of a multitude of corrupt practices were made in the petition. We will notice only those which were canvassed before us by Mrs. Shyamla Pappu, learned Counsel for the appellant. Since we agree with the reasoning and the conclusions arrived at by the High Court, we will not re-appraise the evidence in detail. We will discuss only the broad salient features of the evidence adduced in the case.

The first act of corrupt practice, in the chronological order, alleged in the petition is that on 7-2-1972, A.C. Gupta S.D.O., a Gazetted Officer in the Public Works Department of the State, at the instance of the returned candidate, brought Kishori Lal in his jeep from Kingal to Simla to enable him to file his nomination papers for contesting the election from this Constituency.

To substantiate this allegation, the petitioner examined P.W. 18 Tara Chand Sirkek, who stated that on 7-2-1972, he and the petitioner were both coming in a jeep between Oddi and Kumarsain. They saw Kishori Lal along with Gupta in the latter's jeep proceeding to Simla. Bhalaik also deposed to the same effect.

Both Gupta and Kishori Lal were examined in rebuttal as D. Ws. 16 and 17. They categorically discounted the story of the petitioner. Gupta's statement was supported by the entries in his official diary according to which on 7-2-1972, he was travelling between Kumarsain and Jarol in a truck. On that day he never went anywhere in a Jeep. Kishori Lal stated that he did not even know who Gupta was and never travelled with him. Sirkek was, admittedly, related to Bhalaik and was his principal worker in the election campaign. Both were highly interested witnesses and there was absolutely no corroboration of their statements from an independent source. As against them, there was no ground to disbelieve the version of D. W. 16 which had been confirmed by the official records and the authenticity of which had not been challenged. It was thus rightly held that the appellant had utterly failed to substantiate these allegations.

It was further alleged that on 8-2-1972 and 9-2-1972 Sirkek and Bhalaik met Kishori Lal at the Coffee House, Simla and had a talk with him. During that talk Kishori Lal confessed that all his election expenses were being borne by Khachi.

Again, on this point, the only evidence adduced consisted of the oral statements of Sirkek and Bhalaik. Admittedly, Kishori Lal was nominee of the Communist Party of India. This circumstance itself goes a long way to falsify the assertion of the appellant that Kishori Lal had been set up by Khachi. Moreover, there was no good reason to disbelieve the sworn word of Kishori Lal that his election was being financed by the C.P.I. Thus this allegation also remained unsubstantiated.

Next is the charge that on 24-2-1972, Khachi went to the temple of Devta Kalu Nag at Jadun. He offered eleven rupees to the deity. Gur is the medium through whom the deity conveys his commands. Khachi utilised

the services of Chet Ram Gur (P.W. 12) for conveying the Commands of the deity that the devotees should vote for Khachi. According to the averments in the petition Chet Ram Gur distributed the *chavals* (Rice) in villages Barru, Kathla, Boni and Kelvi among the worshippers of Devta Kalu Nag in token of conveying a message of the Devta that recipients should vote for Khachi. In the case of those voters who refused to receive the token, the Gur threw the rice in their houses indicating that if they did not vote for Khachi they would be visited by the deity's displeasure.

To prove this allegation, the petitioner examined Atma Ram (P.W. 11), Chet Ram Gur (P.W. 12), Jwala Parshad (P.W. 16) and Sadh Ram (P.W. 25). Bhalaiik also repeated this allegation in the witness-stand.

In our opinion, the very story of distribution of 'Chavals' by the Gur from house to house in the manner alleged, was improbable. The High Court has held, and quite rightly, that such distribution was not in keeping with the practice of Devta Kalu Nag.

Khachi testified that distribution of 'Chavals' to the devotees is a ritual of blessing performed by the Gur in the temple itself and that such tokens of benediction on behalf of the deity are never given, away from the temple to persons in furtherance of a private purpose. On this point Khachi's statement receives confirmation from no less a person than Jwala Parshad, a retired Additional District Magistrate, examined as P.W. 16 by the petitioner. Jwala Parshad stated that 'chavals' are distributed only in the presence of the deity within the temple itself.

P.W. 12 Chet Ram claimed to be the Gur of Devta Kalu Nag. He stated that he had distributed 'Chavals' among the worshippers of the Devta in villages Kelvi, Barhu, Kathla and Rihmi, at the instance of Khachi as the latter had promised to 'Please' the former. If any of those persons refused to accept the 'Chavals', the witness placed them in his house. In this quaint fashion, the witness claims to have influenced in the name of the deity about 200 or 300 electors to vote for Khachi.

In cross-examination, he named nine persons to whom, the 'Chavals' were offered. Out of them, only one, namely, P.W. 16, Atma Ram has been examined. This Atma Ram is none other than the paternal uncle of Chet Ram. In an unguarded moment Chet Ram unwittingly admitted that P.W. 11 Atma Ram was a Congressman, although he tried to recant it subsequently. It was further elicited from Chet Ram, in cross-examination, that P.W. 25, Sadh Ram Ex. M.L.A., was a Congress worker and belonged to his brotherhood. Chet Ram further conceded that he did not know Khachi previously. He was then asked what was the reward in consideration of which he had allegedly gone from house to house to distribute 'Chavals' to canvass votes for Khachi in the name of the 'Devta'. He could not give a satisfactory answer. He prevaricated. He ultimately said that he was not seeking any reward from Khachi for himself. It is difficult to believe that version. In this highly commercial age, even a Gur or priest of a temple is not expected to do as Chet Ram claims to have done, without any reward or consideration of a temporal nature or promise of material gain. On the other hand, there was reason to suspect that he was coming forward to support the charge levelled by the Petitioner, under the influence of P.W. 25, Sadh Ram.

P. W. 11 Atma Ram of Kelvi, stated not only with regard to the offer of 'chavals' to him, but also about

their distribution by Chet Ram in other houses in the villages, occupied by 300 or 400 persons. He betrayed an anxiety to make his statement co-extensive and congruent with that of his nephew, Chet Ram. He was as revealed by Chet Ram a Congress-man and as such was an interested witness. His version was full of prevarications and contradictions. At one stage, under the stress of cross-examination, he admitted that the Gur of the Devta does not go to the houses or shops of Harijans for giving the 'chavals'. His aforesaid admission therefore, was destructive of his version in examination-in-chief that the Gur had come to the shop of Nayarkis cobbler and offered 'chavals' to one Manohar Lal there.

P.W. 25 Sadh Ram did not give any direct evidence with regard to the distribution of 'chavals' by Chet Ram. He however, stated that he had come to know about this fact one day after the distribution. The witness made enquiries about it. He has admittedly been collecting evidence to support the charges in the petition. He is the Chairman of the District Congress Committee for the last seven years. He is a close associate of Bhalaiik and has been ardently supporting him during and after the election. It was therefore, not without reason that the High Court found that P.Ws. Atma Ram and Chet Ram were coming forward to propound the story of the distribution of the 'chavals' at the behest of P.W. 25 Sadh Ram.

Moreover, from the evidence produced in rebuttal, it had been shown that P.W. Chet Ram was not the sole Gur of Devta Kalu Nag. D.W. 14 Nantu deposed that he was the senior Gur of this deity. Notice, dated January 21, 1973, (Ex. D.W. 14/1) issued to Nantu and his reply (Ex. D.W. 14/2) dated February 16, 1973, confirmed the fact of Nantu being the senior Gur. There was some complaint against Nantu and an enquiry was held against him. But the fact remains that at the material time, Nantu, was the senior Gur of Nag Devta.

It is significant to note that after the elections of 1969, also Bhalaiik had filed an election petition challenging the election of the successful candidate from this Constituency. In that election petition, a similar corrupt practice was alleged and Nantu described as the Gur of Devta Kalu Nag of Jadun. Ex. D.W. 12/1 is a copy of that petition. Bhalaiik was confronted with that allegation. Instead of giving any explanation, he feigned ignorance about it.

In the witness-stand Khachi categorically discounted the story set up by P.Ws. Chet Ram and Atma Ram.

The learned trial Judge who had the opportunity of observing the demeanour of the aforesaid P.Ws. has found the evidence rendered by them as unworthy of credit. There is no good reason for us to take a different view of this evidence.

Another cognate charge of distribution of 'chavals' on behalf of Devta Doom of Guntha/Kadrol by Balak Ram Gur among the worshippers of that Devta in villages Kadrol, Mehn, Mahussu and Dhar was made in the petition. P.W. 13, Mansa Ram and his brother, and P.W. 14 Charaon were examined in respect of this charge. P.W. 13 was admittedly a congress worker. These P.Ws. stated that Khachi had represented that the Jungle of Devta Doom could be saved from confiscation if they voted for Khachi. Bhalaiik stated that Khachi had taken those persons to the Deputy Commissioner Alok on 1-3-1972 and obtained permission for the auction of trees.

Balak Ram Gur of the Devta and the Deputy Commissioner Alok, were examined in rebuttal as D.W. 10 and D.W. 13 respectively. Balak Ram, contradicted the statements of the petitioner and his P.Ws. regarding this charge. No question was put to Alok about the facts alleged by Bhalaik. This charge was too flimsy and vague to carry conviction.

The next charge was that in a meeting held on February 27, 1972 at Kangal, Khachi proclaimed that water supply scheme for the village had been sanctioned and that the supply would start from March 1, 1972. On the following day (28-2-1972), the appellant and P.W. 16 Jwala Parshad were present at Kangal. A.C. Gupta S.D.O. per chance came there. They inquired about the water supply from Gupta who repeated what Khachi had earlier said. It is alleged that in this manner Khachi had availed of the services of Gupta who was a Gazetted Government Officer, and, had thus committed the corrupt practice defined in section 123 (7) of the Act.

Khachi denied having said any such thing in his speech. After consulting his tour diary, D.W. 16 Gupta stated that from February 27, 1972 to February 29, 1972 he was on tour from Kumarsain to Kangru. He returned to his headquarter at Kumarsain on March 1, 1972. On February 28, 1972 he travelled from Baragaon to Koti and from Koti to Noeli and came back to Kangal. The witness admitted that Jwala Parshad had met him at Kangal and asked him about the water course. He denied that he met the appellant at Kangal or had any talk with him regarding the water supply.

Narain Datt D.W. 15, President of the Kangal Panchayat stated that he was present in the election meeting presided over by Jwala Parshad. According to the witness all that Khachi had said was, that he would make efforts to see that water supply was made available to the village. Narain Datt was an independent witness of status. The trial Judge therefore rightly preferred his statement to the vague and interested evidence given by P.W. 16 and the petitioner.

The next charge was that on May 29, 1972, A.C. Gupta, S.D.O. went to the house of P.W. 1 Mast Ram at village Khemali and there asked the Mates and Beldars of his Department to vote for Khachi.

P.W. 1 Mast Ram, P.W. 2 Dilla Ram, P.W. 3 Jai Nand and P.W. 4 Sis Ram were examined to establish this charge. P.W. 1 Mast Ram is of village Khemli. He stated that he did not know Gupta previously. On February 29, 1972 Gupta came on the site of the work on the road, near the house of the witness. Somebody pointed out that he was Gupta. S.D.O. Gupta then addressed the gathering which consisted of 4 or 5 Mates and 100 beldars, that they should vote for Khachi P.Ws. however, said that Gupta did not represent that he knew Khachi. In cross-examination, it was revealed that the witness was totally ignorant about the names of the Beldars, the location of their houses or like particulars, witness had no talk with the Beldars after that day. He however, informed about what Gupta had said to Bhalaik after the declaration of the election result.

It is manifest from a scrutiny of the statements of P. Ws. 2,3, and 4 that they had all been collected and brought to court by P.W. 1 Mast Ram. It is further noteworthy that P.W. 1 did not say that Gupta was canvassing votes for Khachi at the request of the latter. P.W. 1 could not name any month of the English calendar. The very

fact that he mentioned the date February 29, 1972, as the date of Gupta's visit, showed that this fact had been put into his mouth by someone else.

Gupta as D.W. 16 categorically denied his visit to the house of Mast Ram on February 29, 1972 or his having asked Mast Ram or the Mates and Beldars to vote for Khachi. He explained that on February 29, 1972, he was supervising the construction work on Baragaon-Matiana Road and in that connection he might have visited and inspected the site of the work at Khemli for a couple of minutes. He stated that D.W. 6 Narsukh and D.W. 7 Manna were the Mates working on that road on February 29, 1972. Gupta had inspected the work done by these persons. Gupta further stated that P.Ws. Jai Nand and Sis Ram had a grudge against him. Jai Nand wanted the witness to post his son at a particular station. The witness could not oblige him. Similarly Sis Ram was unhappy in connection with a dispute relating to the marriage of Sis Ram's sister.

Mates Narsukh and Manna, were examined in rebuttal by Khachi. Both of them refuted the version of P.Ws Mast Ram, Jainand and Sis Ram.

In the circumstances of the case, it was not prudent to accept the mere *ipsedixit* of these P.Ws. Their statements had not been corroborated by any reliable documentary evidence. In any case, it could not be preferred to that of D.Ws. Gupta, Narsukh and Manna. In the ultimate analysis, the High Court was right in holding that this charge also had not been established beyond reasonable doubt.

The last contention of Mrs. Shyamla Pappu, which has been seriously pressed, is that grave irregularities and illegalities had been committed in the counting of votes.

Some instances of such irregularities are alleged in paragraph 7 of the petition. Most of these allegations are general and vague. Those on which Mrs. Pappu has laid stress are these:

- (a) At the counting, Rattan Chand counting agent of the petitioner at Table No. 5, noticed "that in one bundle about 49 votes of the petitioner had been put and on the top of it one ballot paper cast in favour of Khachi was placed." This gave the false impression that the whole bundle of 50 ballot papers was in the name of Khachi, and accordingly they were counted in Khachi's favour, causing a loss of about 45 votes to the petitioner. The petitioner was informed by his other counting agents also that such wrong things had been done at the other tables as well. In this way the petitioner believes that he has been deprived of at least 500 votes".
- (b) "Quite a large number of votes cast in favour of the petitioner were declared invalid whereas a large number of invalid votes which deserved to be rejected were counted in favour of the respondent No. 1".
- (c) "During the count on the second round no invalid vote was declared in respect of the counting conducted at Table No. 8. In the result sheet, however, the petitioner now finds 15

votes as having been declared invalid at that table in the second round counting".

(d) Even though the result was yet to be announced officially, the counting agents of Khachi raised shouts that he had won and caused great confusion and chaos. "The petitioner and his counting agents were keen to file an application to the Returning Officer requesting for a recounting of the votes. Shri Tara Chand Sirkek, one of the counting agents of the petitioner, was therefore, sent out to get an application typed for the purpose, but when he came back with the typed application, on account of the confusion and chaos already going on in the counting room, he was not permitted to enter the counting room by the security staff, though he was having in his chest the proper identity chit. It was therefore, after considerable difficulty and delay that the application could at last be presented to the Returning Officer. The Returning Officer however made an order that the demand for recounting could not be accepted by him as the certificate of election had already been issued."

Mrs. Pappu contends that the Returning Officer in view of these irregularities and circumstances which were all in his notice, acted arbitrarily and illegally in rejecting the application for recount which had been duly made under Rule 63 of the Conduct of Election Rules.

Evidence with regard to this issue consisted of the statements of Bhalai (P.W. 27), Rattan Chand (P.W. 22) and Sirkek (P.W. 19). In rebuttal, Khachi examined S.K. Alok D.W. 13, the Returning Officer, V.P. Singh D.W. 9 and D.W. 17 apart from himself appearing in the witness-box.

At the trial the petitioner (P.W. 27) tried to improve upon his version in the petition and stated:

Shri Rattan Chand was my Counting Agent at table No. 5. When Rattan Chand became free from his table he went to Shri Tara Chand Sirkek who was my counting agent at table No. 1. Shri Rattan Chand whispered in the ear of Shri Tara Chand Sirkek that so many irregularities were committed on his table. Shri Tara Chand Sirkek came and told me about those irregularities. He told that according to the information given to him by Shri Rattan Chand, several bundles containing my votes were passed on to the tray of Shri Khachi and were counted as votes for Shri Khachi. Shri Sirkek told me that Shri Rattan Chand protested to the counting staff regarding that but he was threatened. At that time I did not verify that complaint from Shri Rattan Chand. Later on when the counting was over I did talk with Rattan Chand about it. Shri Rattan Chand confirmed all that what he had stated to Shri Sirkek. When Sirkek whispered the complaint of Shri Rattan Chand in my ear, I told him to rush upto the Congress Office and bring an application for recounting. Shri Sirkek rushed outside. The counting was going on other tables at that time. The counting was going on and prematurely the Counting Agents of Shri Khachi raised slogans inside the Mall that Shri Khachi had won the election. Random check was made on the table of the Returning Officer for table

No. 2. Two votes belonging to me were found in the tray of Shri Khachi. The Returning Officer then stood up and warned the counting staff that they should not commit such mistakes. Later on my Counting Agents told me that the counting of the ballot papers was being done by the counting staff so swiftly that it was hardly known to them as to which of the ballot is being counted and for whom.

Shri Tara Chand Sirkek told me that when he went outside the counting hall he met Harnam Chand Bhalai. He sent Shri Bhalai to get the application typed quickly. Shri Bhalai returned soon after with the application and when Shri Tara Chand Sirkek wanted to go inside the hall he found the Counting Agents of Shri Khachi raising slogans inside the hall and the Returning Officer was pacifying them. The security staff naturally became alert because of those slogans and turmoil and they stopped Shri Sirkek and the result was that if Shri Sirkek could not enter the counting hall and the application could not be given for recounting before the result was declared. When all of us came outside the counting hall I found Tara Chand Sirkek standing there very much disappointed. I inquired of him about re-count of application. He told me that he was not permitted to enter the counting hall. I then wanted to enter the hall with that application but was stopped by the security staff because the counting of Rampur Constituency had started at that time. I then sat down in the adjoining room. Thereafter I was permitted to enter the counting hall. Then I gave the application to the Returning Officer. The Returning Officer asked me to sit in the adjoining hall and told me that he would look into the application. A copy of the order was communicated to me. It is marked Ex. P.W. 27/A.

P.Ws. Sirkek and Rattan Chand deposed, more or less, to the same story which was narrated by Bhalai.

The version of the appellant and his aforesaid witnesses stood in sharp contradiction to that of Alok, The Returning Officer. The latter stated that no complaint of any irregularity in counting or of the use of any unfair means in counting was made to him. Explaining the procedure followed by him, he stated that after the counting, he prepared the counting sheet, and informally announced the result. He then paused for five to seven minutes to ascertain if any application or request for a recount was forthcoming. But no such request was made to him. Consequently, after the expiry of those 5 or 7 minutes, the witness completed the result sheet and declared the result finally. He further swore that there was no pandemonium in the counting hall during this interval. Alok clearly stated that no request for recount or for grant of time to make an application for recount, was made to him by Shri Beli Ram Bhalai. He, however, admitted that one or two persons had raised slogans for about half a minute. They stopped when the witness asked them to do so. The witness added that the result of the election was finally declared at 1.30 p.m. and thereafter at 2.05 p.m. when counting of votes of Mahasu Constituency was going on. Bhalai made the application Ex. D.W. 13/2. The witness then made an order rejecting it. In cross-examination, Alok stated that while presenting the application Ex. D.W. 13/2, Bhalai had represented that "he could not present the application at the appropriate time because he had sent his man outside and he could not arrive in time because he was not permitted to enter as the counting for another Constituency was going on". The witness reiterated that even

at that time Bhalaik did not complain that a lot of mistakes had been committed in the counting of votes.

Alok was a responsible Government Officer. He was not interested in either side. He appears to have given evidence in a straight and forthright manner. His statement was therefore rightly accepted in preference to those of the petitioner and his Counting Agents.

Alok's version receives full assurance from the circumstance that even in the belated application Ex. D.W. 13/2, no irregularity or illegality, whatever, in the counting was mentioned. All that was stated therein was that the appellant was not satisfied with the counting and therefore wanted a recount. It did not contain any ground on which a recount was sought, and as such, did not comply with the mandatory requirement of Rule 63 (2) of the Conduct of Election Rules, 1961, which provides that after the announcement of the result of counting, a candidate or in his absence his election agent or any of his counting agents may apply in writing to the Returning Officer to recount the votes either wholly or in part stating the ground on which he demands such recount.

A whimsical and bold statement of the candidate that he is not satisfied with the counting, is not tantamount to a statement of the "grounds" within the contemplation of Rule 63 (2). The application was thus not a proper application in the eye of law. It was not supplemented even by an antecedent or contemporaneous oral statement of the author or any of his agents with regard to any irregularities in the counting. It was liable to be rejected summarily under sub-rule (3) of Rule 63, also. That apart, it was presented about half an hour after the Returning Officer had completed and signed the result sheet, in Form 30. Sub-rule (6) of the Rule expressly debar the Returning Officer from entertaining an application for recount at such a late stage. The Returning Officer had therefore, rightly rejected the application as belated.

From all that has been said above, it is clear that the allegations of irregularities and illegalities in the counting of votes have been subsequently invented as on after thought. That apart, these allegations in the petition are more or less vague and general. They are lacking in material facts. The evidence adduced in regard to this issue also does not make out a *prima facie* case for a recount.

Since the pronouncement of this Court in *Ram Sewak Yadav v. Hussain Kamal Kidwai and others*, it is settled law as sections 100(1)(d)(iii), 101, 102 of the Act and Rule 93 of the Conduct of Election Rules, 1961

implicitly give the Court trying an election petition the power to order a recount or production of the ballot papers and permit their inspection by the parties. Since an order for a recount touches upon the secrecy of the ballot, it should not be made lightly or as a matter of course. Although no caste-iron rule of universal application can be or has been laid down, yet from the beadroll of the decisions of this Court, to broad guide-lines are discernible: that the Court would be justified in ordering a recount or permitting inspection of the ballot papers only where (i) all the material facts on which the allegations or irregularity or illegality in counting are founded, are pleaded adequately in the election petition and (ii) the Court/Tribunal trying the petition is *prima facie* satisfied that the making of such an order is imperatively necessary to decide the dispute and to do complete and effectual justice between the parties—sections (1) (1964)6, S.C.R. 238, *Ram Sewak Yadav v. Hussain Kamal Kidwai* (supra), *Dr. Jagjit Singh v. Giani Kartar Singh Jitedra Bahadur Singh v. Krishna Behari*,³ and *Smt. Sumitra Devi v. Shri Sheo Shankar Prasad Yadav*.

(2) A.I.R. 1966 Sc. 773, (3) D (1970), S.C.R. 752, (4) A.I.R. 1972 S.C. 116.

In the present case neither of the tests above mentioned has been satisfied. The allegations in the petition are not precise. They are mostly general and vague floating on suspicions and beliefs of the petitioner, rather than resting on *terra firma* of material facts. As was stressed in *Ram Sewak Yadav's* case (supra), mere allegations that the petitioner suspects or believes that there has been improper reception, refusal or rejection of votes or there have been irregularities in the counting of ballot papers will not be sufficient to support an order of recount and inspection. It is an irony of things that in elections, as in horse racing, sure beliefs, hopes and expectations of the contestants often end up as also-rens. The allegations of irregularities in counting appearing in the petition stem from such a "sure" belief turned "unsure". We therefore do not find any substance in the contention of the appellant that the High Court was in error in rejecting the appellant's request for a recount.

For the foregoing reasons the appeal fails and is dismissed with costs.

Sd/-

A. ALAGIRISWAMI,

Dated New Delhi:
the 3rd December, 1974.

Sd/-

(R. S. SARKARIA). J

अनुपूरक

अन्य

PART I

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

Simla-171002, the 15th February, 1975

No. 10-101/71-SI.—In exercise of the powers conferred by section 27 of the Himachal Pradesh Shops and Commercial Establishments Act, 1969 (Act No. 10 of 1970), the Governor of Himachal Pradesh is pleased to exempt all Flour Chakkies in Himachal Pradesh from the operation of sections 7, 8 and 9 of the Himachal Pradesh Shops and Commercial Establishments Act, 1969 to enable them to cope with the

pressure of work subject to the following conditions:—

- (1) that the spread over of the working hours does not exceed 12 hours in a day; and
- (2) the persons required to work in excess of their usual daily working hour shall be paid remuneration at double the rate of their normal wages calculated by the hour.

This exemption shall be valid for a period of three months w. e. f. 1st January, 1975.

By order,
P. K. MATTOO,
Secretary

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PART II

कार्यालय, जिलाधीश, कांगड़ा स्थित धर्मशाला, हिमाचल प्रदेश

सारिणी

अधिसूचनाएं

धर्मशाला, 13 फरवरी, 1975

क्रमांक XIV-24(2)-923.—हिमाचल प्रदेश पंचायती राज अधिनियम, 1968 की धारा 68(1) तथा हिमाचल प्रदेश पंचायत समिति (निर्वाचन) नियम, 1973 के नियम 54 का अनुसरण करते हुए मैं, महाराज कृष्ण काव, जिलाधीश, कांगड़ा, हिमाचल प्रदेश, पंचायत समिति, नगरोटा बगवां, तहसील ब जिला कांगड़ा के निर्वाचित प्रधान तथा उप-प्रधान के नाम निम्नसारिणी के अनुसार सर्वसाधारण की सूचना हेतु प्रकाशित करता हूँ।

पंचायत समिति का नाम	निर्वाचित सदस्य का नाम तथा पता	विवरण
1	2	3
कांगड़ा	श्री जगदीश चन्द सुपुत्र माधो राम, गांव रजियाना, तहसील कांगड़ा।	प्रधान
	श्री बचिन्द्र सिंह सुपुत्र बूटा उप-प्रधान सिंह, गांव तियारा, तहसील कांगड़ा।	

सारिणी

महाराज कृष्ण काव,
जिलाधीश, कांगड़ा।

पंचायत समिति का नाम	निर्वाचित सदस्य का नाम तथा पता	विवरण
1	2	3
नगरोटा बगवां	श्री रोगन लाल सुपुत्र अनन्त राम, गांव टारु, तहसील कांगड़ा।	प्रधान
	श्री किशोरी लाल सुपुत्र चडू राम, गांव कण्डी, तहसील कांगड़ा।	

OFFICE OF THE DEPUTY COMMISSIONER,
MANDI DISTRICT, MANDI

NOTIFICATION

Mandi, the 18th February, 1975

No. 5-Mandi (Elec.)-2/74.—In pursuance of the provisions contained in section 23(1) of Himachal Pradesh Municipal Act, 1968 read with Rule 84(9) of the Himachal Pradesh Municipal Election Rules, 1970, I, C. D. Parsheera, I.A.S., Deputy Commissioner, Mandi hereby notify below the names of elected President and Vice-President of Municipal Committee, Sundernagar in Mandi district:—

Name of Committee	Name of elected President with full postal address	Name of elected Vice-President with full postal address
1	2	3
Sundernagar	Shri Sunetar Parkash Singh Kesri r/o House No. 558-S-2, B. S. L. Colony, Sundernagar.	Shri Saju Ram, P. O. Bhojpur, Sundernagar, District Mandi.

C. D. PARSHEERA,
Deputy Commissioner.

धर्मशाला, 13 फरवरी, 1975

क्रमांक XIV-24 (2)-916.—हिमाचल प्रदेश पंचायती राज अधिनियम, 1968 की धारा 68(1) तथा हिमाचल प्रदेश पंचायत समिति (निर्वाचन) नियम, 1973 के नियम 54 का अनुसरण करते हुए मैं, महाराज कृष्ण काव, जिलाधीश, कांगड़ा, हिमाचल प्रदेश, पंचायत समिति, कांगड़ा, तहसील ब जिला कांगड़ा के निर्वाचित प्रधान तथा उप-प्रधान के नाम निम्नसारिणी के अनुसार सर्वसाधारण की सूचना हेतु प्रकाशित करता हूँ।

PART IV

"I, Bhuri Singh Sharma s/o Shri Kanshi Ram Sharma of Village Bhated, P. O. Baldwara, Distt. Mandi H.P.) have changed my name to Bihari Lal Sharma".

BHURI SINGH SHARMA,
(Bihari Lal)
s/o Shri Kanshi Ram Sharma,
Village Bhated, P. O. Baldwara,
District Mandi (H.P.).